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HUMAN RIGHTS COMMISSION ASKED TO CONSIDER APPOINTING SPECIAL RAPPORTEUR FOR FREEDOM OF EXPRESSION

Continues Discussion of Rights of Prisoners and Detainees

GENEVA, 23 February (UN Information Service) -- The Commission on Human Rights was urged by the United States this morning to endorse the recommendation of its Subcommission on the Prevention of Discrimination and Protection of Minorities that it appoint a special rapporteur on freedom of expression.

The recommendation was supported by Canada, which called on the Government of Iran to rescind its death sentence in absentia on Salman Rushdie, British author of the novel, "The Satanic Verses".

The Commission also continued its consideration of the rights of prisoners and arbitrary detainees, with several delegations claiming that impunity for those who violated the rights of detainees -- especially those who inflicted torture -- was a major obstacle to implementing international human rights standards. Arbitrary detentions generally took place during times of upheaval and suspension of the normal rule of law, several speakers pointed out, and when conditions improved afterward, there was the temptation to forget the past to avoid stirring up old conflicts. It was at least necessary to establish the facts of human rights abuses, the Netherlands delegation stated, and not to abandon without very serious soul-searching the prospect of punishment for those who had committed such crimes.

Speakers today were the representatives of the United Kingdom, United States, Netherlands, Romania, Cuba, Cyprus, Canada, Sri Lanka, Poland, India, Colombia and the observer from Switzerland.

The representatives of Rwanda and Turkey spoke in exercise of the right of reply.

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Statements Made

M.R. MORLAND (United Kingdom) said that of all human rights issues, torture was particularly abhorrent. The list of countries where allegations of torture were made was alarmingly long. Its length testified to the very real problem, which existed in almost every country, of restraining security forces faced with an increasing wave of crime and terrorism. The United Kingdom supported the purpose and thrust of the draft Optional Protocol to the Convention against Torture, which would permit prison visits by independent experts, a provision already contained in the European Convention.

The dramatic increase in the number of cases of disappearances submitted to the Working Group revealed more awareness throughout the world of the existence of the Working Group and its mandate, and an increased confidence on the part of relatives of missing persons and non-governmental organizations in the action of human rights mechanisms, he said. In Sri Lanka, where the difficulties had been particularly great, no one could come away with the feeling that all was rosy. However, it was a good sign that the scale of violations was far less dramatic than last year, and that the Sri Lankan authorities had worked together with the Working Group and had taken steps to deal with the problem of disappearances.

DAVID WEISSBRODT (United States) suggested that the Working Group on Arbitrary Detention consider changes in its procedures next year to permit it to consider important cases without waiting for formal submissions of information about such cases. All in all, the Working Group should be commended for its excellent beginning. There was a major gap, however, in the thematic procedures of the Commission. The time had come for it to take a further step to protect the right to freedom of expression through the appointment of a special rapporteur on freedom of expression.

KOEN DAVIDSE (Netherlands) said that impunity involved a combination of rights and duties -- in short, that "justice be done and that no one forget". Impunity generally occurred in situations in which there was a substantial lack of the rule of law or of democracy. More specifically, it was also associated with a transition to more democratic ways, in which it proved hard to come to terms with the past. But how could the rule of law ever become an inherent characteristic of a society if it was not applied to what were often the most dramatic and traumatic events a society faced? At least the facts should be established.

An International Seminar on the Right to Compensation, Restitution and Rehabilitation for Victims of Gross Violations of Human Rights, held in the Netherlands last year, had stressed the close relationship between impunity and the right to compensation, he said. Steps at the international level were necessary to make sure those responsible for gross violations of human rights were punished. It was not necessary, in general, to mention specific countries, but the Netherlands wanted to make one exception and mention the situation in the former Yugoslavia. While, in general, States themselves

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should address the issue of impunity, in this specific context of armed conflict and gross violations of international law, the international community could not remain idle.

NICOLAE ZAHARIA (Romania) said it was important to move on to the concrete implementation of the principles enshrined in the Convention against Torture. Measures should be established for national legislation in order to define and punish the practice and the Commission could make recommendations to that effect. As yet, no such provisions existed to create respect for the Convention in domestic legislation. However, Romania had done so. It had thus taken appropriate action by enhancing its national legislation to prevent the existence of the scourge of torture in Romania. The Optional Protocol was an example of an international instrument which emphasized the importance of preventive measures. In Romania for many years in the past, political prisoners had died in prison without their families being informed. The task facing the Commission was to do everything to prevent the suffering of humanity.

J. PEREZ NOVOA (Cuba) said Cuba had extended full cooperation to the Working Group on Arbitrary Detention. Attempts to impose one ideology on the world, in the guise of humanitarian concerns, were not acceptable. Cuba had recognized certain anomalies in the methods of the Group. Recently, there had been a unilateral expansion of its mandate. Did the Group have jurisdiction over those detained after court sentencing, which was not "arbitrary detention?" he asked. Could the United Nations question the acts of the courts of a Member State? The Group sought to do so when it said the definition of certain offences in certain countries was "too vague". It empowered itself to question the constitutional provisions of a country. That violated national sovereignty. The Working Group should return to its original mandate and act impartially.

NICOLAS MACRIS (Cyprus) said torture was a practice unknown in Cyprus. For more than 19 years, the question of the missing, the most tragic aspect of the Cyprus problem, remained unresolved. A total of 1,619 Greek Cypriots, including 112 women and 26 children under the age of 16, were still missing since the invasion of Cyprus and as a direct consequence of it. Most of those people, 993 soldiers and 626 civilians, were arrested by the Turkish Army and known to be alive in the occupied area or in detention in Turkey after the cessation of hostilities. Turkey, contrary to the 1949 Geneva Conventions and the Human Rights Conventions, refused to provide the families of the missing persons with any information about the fate of their relatives.

The European Commission of Human Rights of the Council of Europe, in its report of 10 July 1976 on the violation of human rights by Turkey in Cyprus, had found Turkey responsible under the Convention on the issue of the missing persons. The Committee on Missing Persons should investigate not only in the area which came under the control of the Turkish troops, but also in Turkey. There should be freedom of movement for all three members of the Committee over the whole of Cyprus. It was still to be hoped that the issue of missing persons in Cyprus, a purely humanitarian question, would not be linked to the overall solution of the Cyprus problem.

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ANNE PARK (Canada) said that respect and protection for the rights to freedom of opinion and expression was central to the developmental needs and potential of contemporary society as a whole. The Subcommission's rapporteurs had noted that freedom of opinion was absolute, while freedom of expression, though subject to certain limitations, must not be restricted to the point of impairing the principle. Furthermore, any sanctions stemming from infringements of valid limitations on freedom of expression must themselves be compatible with all the other civil and political rights guaranteed by international instruments. Clearly, summary executions or threats thereof, torture and enforced disappearances, discrimination or harassment in any manner, were utterly unacceptable sanctions which no circumstance could justify.

At the same time, she continued, the right to freedom of opinion and expression had been supported and strengthened by many developments in this decade. The sweeping changes towards democratization and more open government which had taken place all over the world gave a greater urgency towards encouraging respect for those rights. It was crucial that the rights to freedom of expression and opinion be held in utmost respect by each member of the Commission.

Canada, therefore, viewed most seriously the recently reiterated declaration by Iranian authorities of a death sentence on author Salman Rushdie, she said. Canada urged Iran to rescind the sentence, thereby demonstrating its commitment to the basic principles for which the Commission stood. The time had come for the international community to consider appropriate steps to enhance the machinery for the protection and promotion of the right to freedom of opinion and expression.

TILAK MARAPANA (Sri Lanka) detailed the progress made by Sri Lanka since the visit of the Working Group last October in the revision of security legislation; the accountability of those found culpable of causing disappearances and other human rights violations; and the breakthrough in the search for a negotiated political resolution of the situation in the north and the east. The Emergency Regulations had been amended and should be considered a first step. The process of further review of the Regulations was continuing. The objective of the exercise was to ensure that the security forces were not above the rule of law and to prevent any attempt to use the Regulations to create a climate of impunity. In addition, police officers from the Tangalle police station found guilty had been charged with murder.

Twenty-three army personnel had also been charged with murder in the civil courts for an alleged reprisal attack on civilians, he said. Other officers had been charged with murder. Members of the armed forces had been questioned and further investigations were being conducted. There had also been a breakthrough in the long search to find a political solution to the problems in the north and the east. There was a distinct linkage between the conflict there and the alleged violations of human rights in those areas. If resolution of the former could be achieved, the root causes of the latter would be eliminated.

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Some assertions relating to the pace of negotiations and "levels of violence" made by the Working Group were not commensurate with the continuing but painstaking democratic negotiations and the complexity of the situation in the country, he said. While the implementation of the recommendations of the Working Group would undoubtedly assist in strengthening structural and operational deficiencies, that process could not be realistically reviewed in too brief a time frame. It had to be related to the exigencies of the prevailing political and security situation.

PIOTR DARANOWSKI (Poland) said international human rights machinery should develop towards prevention of human rights violations. For many breaches of international human rights law, even the most sophisticated legal remedies turned out to be insufficient. This was true, in particular, in regard to the victims. Granting compensation to those whose rights had been abused had only a limited value. Frequently, human rights violations were simply irreparable. One of the best examples was the case of torture. Regular, and if necessary ad hoc, visits to places of detention could be crucial in protection of a person potentially at risk of torture. Confidentiality of procedure could not be unlimited. If the so-called normal mechanism failed and the State considered rejecting cooperation under the Convention and the Protocol, the reasons for confidentiality disappeared.

JEAN-DAVID VIGNY, observer from Switzerland, said that the Working Group on Torture was hampered by lack of resources. Switzerland supported the concerns of the Working Group over the release of Aung San Suu Kyi, at present detained in Myanmar. Regarding the report on torture, it was shocking that the number of instances of torture was still increasing world-wide. More effective legal systems and training of security services could help in that respect. States where people were deprived of liberty risked a negative impact on their bilateral relations with Switzerland. A preventative mechanism, consisting of regular visits, founded on the principles of confidentiality, independence, impartiality, universality and efficiency, to evaluate places of detention and to improve practices in such places, would be a valuable addition to the protection of human rights.

NEELAM D. SHABHARWAL (India) said in India, even under states of emergency, citizens could not be deprived of life or liberty without due process of law, nor could they be subject to arbitrary arrest. Custodial rape, if proven, could carry a life sentence; charges that India did not prosecute those who committed rape were without foundation. Terrorism and extremism created a major problem for human rights. Terrorist and extremist groups used brutality, arbitrary detention and killing to undermine democracy. The problem was especially severe when aided and abetted from abroad, as was the case in Kashmir and Punjab. More international attention to this problem was needed. The Indian Government had tried very hard to ensure respect for the human rights standards that terrorists flouted; it was difficult to protect citizens from terrorism and not to occasionally take special measures. Charges of human rights abuses by Government authorities had been scrupulously investigated.

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WILMA ZAFRA TURBAY (Colombia) said that to combat the phenomenon of impunity, a new judicial institution had begun to work within the new Constitution of Colombia. The legal system assumed responsibility for the Prosecutor and had been reformed from the ground up. An office of attorney-general had been established to examine claims of impunity. Prosecutors and the police were working in coordination. The Constitution had also established a higher council of the judiciary to cope with disciplinary matters concerning the judiciary and would also work to present new candidates for judicial positions. Salaries had also been increased. In less than a year, progress had already been made in these matters. The campaign against impunity was also achieving success.

A war against terrorism and kidnapping was also taking place, he stated. However, it seemed that the terrorists had little interest in dialogue. Some $6 million of Government money had gone to fund the requirements of the Peace Plan of December 1992. Various other acts had been promulgated to protect citizens and to deter the enemies of democracy to allow narco-terrorists to bring anarchy to Colombia. Human rights and fundamental freedoms were fully guaranteed under the Constitution and the state of emergency would be lifted as soon as public order permitted.

Right of Reply

B. MBARUSHIMANA (Rwanda) said certain non-governmental organizations had not listened to Rwanda's previous statement in exercise of its right of reply. Rwanda was experiencing a dramatic war situation and it was not easy to control that situation. It was true that many civilians had been killed under circumstances that could not be prevented. However, it was demagogic to claim that the Government had ever intended to exterminate the Tutsi minority. Amnesty had been provided for members of this minority group. The Government had always done its best to stop ethnic unrest and to bring to justice those who had committed abuses. Negotiations were under way and he hoped that peaceful agreements would result.

A. MURAT (Turkey) said that a non-governmental organization had focused on the murder of a journalist in south-east Turkey. It was true that in this region, law and order officials faced a terror situation which had resulted in many deaths. Journalists could get caught between the terrorist factions. Some of the murdered journalists had been too brave in revealing the terrorists' activities. According to a report, the PKK group had ordered some of the murders and an international inquiry was taking place. The PKK might also have connections with Hizbollah and its terrorists were trained abroad. The Ministry of Justice was conductung an inquiry. The organized criminal networks had to be dismantled.

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HUMAN RIGHTS COMMISSION CONDEMNS PRACTICE OF SYSTEMATIC RAPE AND HUMAN RIGHTS VIOLATIONS IN CONFLICT IN FORMER YUGOSLAVIA

GENEVA, 23 February (UN Information Service) -- The Commission on Human Rights this afternoon condemned all violations of human rights in the former Yugoslavia by all sides to the conflict and recognized those who bore the primary responsibility for them. The Commission also extended the mandate of the Special Rapporteur on this subject for one year and requested the Secretary-General to provide him with additional resources.

Prior to the adoption of the resolution, the Commission voted against a proposed amendment which would have replaced the phrase "by all sides to the conflict" with "those involved". Malaysia proposed the amendment on behalf of the countries of the Organization of the Islamic Conference and claimed that the phrase as it stood in the draft resolution put the aggressors on a par with the victims.

The Commission also adopted a resolution which condemned the systematic rape of women in the former Yugoslavia and expressed outrage at the practice of rape being used as a weapon of war. It requested the Special Rapporteur to pursue an investigation into the phenomenon of rape in the former Yugoslavia and to present a report to the Commission no later than 30 June.

Geraldine Ferraro (United States), speaking before the vote on the resolution condemning rape in the former Yugoslavia, said that the vote would be a message to all the victims of the struggle there, especially the women of Bosnia and Herzegovina, communicating the fact that the world cared and demanded that the attackers be brought to justice. The world community was standing together in support of the human rights of women.

The Commission continued its debate on the rights of detainees this evening. Representatives of several non-governmental organizations spoke on issues relating to the administration of justice in various countries. The maintenance of the state of emergency in Syria, the alleged imprisonment of leaders of minority groups in the United States, the use of administrative rather than judicial procedures, as well as the imprisonment of members of the pro-democracy movement in China, the practice of hostage-taking in the Nagorno-Karabakh conflict, the disruption of the system of justice in Peru,

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and allegations on the ill-treatment of political prisoners in Cuba were some of the subjects raised by these speakers.

The representatives of Australia, Portugal, Indonesia, Cuba and the Republic of Korea spoke in the debate on this item.

The Commission heard statements by the representatives of the following non-governmental organizations: International Indian Treaty Council, International Federation of Human Rights, Human Rights Advocates, Andean Commission of Jurists, Pax Christi, World Press Freedom Committee, American Association of Jurists, International Federation for the Protection of the Rights of Ethnic, Religious and Other Minorities, International Association of Educators for World Peace, World Alliance of Reformed Churches, International Fellowship of Reconciliation and International Immigrants' Foundation.

The representatives of Japan, United Kingdom, Syria and China spoke in exercise of the right of reply.

Action on Resolutions

Under the resolution on the situation of human rights in the territory of the former Yugoslavia, adopted without a vote, the Commission condemned "in the strongest terms" all violations of human rights in the former Yugoslavia by all sides to the conflict, recognizing that the leadership in territory under the control of Serbs in the Republics of Bosnia and Herzegovina and Croatia, the commanders of Serb paramilitary forces and political and leaders in the Federal Republic of Yugoslavia (Serbia and Montenegro) bore primary responsibility for most of these violations.

The Commission condemned in particular the "reprehensible acts" identified by the Special Rapporteur as component parts of "ethnic cleansing", including forced transfer of populations, attacks on non-military targets, summary executions, arbitrary detention of civilians, the systematic practice of rape and the cutting off of supplies of food and other essentials to civilian population centres.

The Commission welcomed Security Council resolution 808 (1993), by which it established an international tribunal for the prosecution of persons responsible for violations of international humanitarian law committed in the territory of the former Yugoslavia, and which would invite the Secretary-General to determine whether those crimes committed fell within the scope of the Convention on the Crime of Genocide. It also expressed its grave concern at the deteriorating human rights situation in Serbia, particularly in Kosovo, and condemned the violations of human rights occurring there.

The resolution also invited the Security Council to consider establishing a United Nations observer mission, in coordination with the Special Rapporteur and the Conference on Security and Cooperation in Europe (CSCE), to investigate and report on alleged human rights violations in Kosovo, Sandjak and Vojvodina. It noted with concern that many of the recommendations in the Special Rapporteur's three previous reports had not been implemented and urged

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all States and relevant organizations to give serious consideration to their immediate implementation.

Prior to this action, the Commission rejected, by a roll-call vote of 13 in favour to 29 against, with 6 abstentions, an amendment under which it would have condemned "those involved" (instead of "all sides to the conflict"). The amendment, proposed by Malaysia on behalf of the Organization of the Islamic Conference, would also have referred to the Yugoslav People's Army along with other Serbian elements, as bearing the primary responsibility for the acts of aggression and atrocities in the Republic of Bosnia and Herzegovina.

The roll-call vote was as follows:

In favour: Bangladesh, Cuba, Guinea-Bissau, Indonesia, Iran, Libya, Malaysia, Mauritania, Nigeria, Pakistan, Sudan, Syria, Tunisia.

Against: Argentina, Australia, Austria, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Finland, France, Germany, Japan, Lesotho, Mauritius, Mexico, Netherlands, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom, United States, Uruguay, Venezuela.

Abstentions: Burundi, Gabon, Gambia, India, Kenya, Sri Lanka.

Explanations of Vote

FELIPE POTALES (Chile) said Chile did not support the amendment submitted by Malaysia involving the operative paragraph because the resolution itself placed major responsibility on Yugoslavia.

MOON BONG JOO (Republic of Korea) said in order to be logical and consistent as a co-sponsor, his delegation had decided to vote against the amendment proposed by Malaysia. He regretted that this decision had to be made in spite of the legitimate concern expressed by the countries of the Organization of the Islamic Conference.

Concerning the resolution on the rape and abuse of women in the territory of the former Yugoslavia adopted without a vote, the Commission strongly condemned the abhorrent practice of rape and abuse of women and children in the former Yugoslavia which constituted a war crime. It expressed its outrage that the systematic practice of rape was being used as a weapon of war against Muslim women and children and as an instrument of the policy of ethnic cleansing carried out in Bosnia and Herzegovina by the Serbian forces, and that rape had also been used as an instrument of ethnic cleansing in Croatia.

The resolution urged Member States to exert every effort to bring to justice all those individuals directly or indirectly involved in these outrageous international crimes and requested the Special Rapporteur to pursue an investigation into the rape and abuse of women and children in the former Yugoslavia, including the dispatch of a team of experts.

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It requested the Secretary-General to provide such necessary means as were available to him in the area to enable any future missions to have free and secure access to places of detention and asked him to submit a report on the implementation of the present resolution to members of the Commission not later than 30 June.

Statements on Rights of Detainees

PETER THOMSON (Australia) said the Commission must improve its methods for obtaining more reliable information and strengthen procedures at national and international levels to eliminate serious violations. One of the most important aspects of the Declaration on the Protection of All Persons from Enforced or Involuntary Disappearances was its condemnation of "impunity". Sufficient resources must be made available to the Working Group on Disappearances. During 1992, the Working Group processed a backlog of some 12,000 reports submitted to it in 1991 and received 10,000 new cases in 36 countries. The international community must continue its efforts to find ways to combat torture. He agreed with the Special Rapporteur that there was no issue of overlap with the proposed Optional Protocol to the Convention against Torture.

ZOZIMO DA SILVA (Portugal) said that for human rights to become a reality for everyone, it was necessary to establish an effective system of implementation. The reports of the Working Groups once again had emphasized the importance of an independent and efficient administration of justice to ensure the identification and punishment of Government officials having committed abuses, to enable the thorough investigation of the fate of detainees and impartially to decide on the lawfulness of their deprivation of liberty. Yet, one was often confronted with situations where judges suffered threats or interference, pressure or inducements.

The judicial authorities were often reluctant to deal with cases of grave violations of human rights, particularly when military personnel were involved, he observed. The situation prevailing in the occupied territory of East Timor was an example of the rule of law being replaced by the rule of fear and repression. The incidents in Dili were not an isolated event and the overall situation had not improved. Further investigation should be pursued, since it was the duty of the State to establish legal accountability. To ensure that such investigation was thorough and impartial, adequate United Nations involvement should be provided. The Commission could not accept the atmosphere of fear and tension, the climate of impunity and mistrust prevailing in East Timor with silence and passivity.

HARDIKUN SUPANDAR (Indonesia) said the current report of the Special Rapporteur on Torture did not cover the practices of torture connected with the new phenomenon of racism and xenophobia which existed in certain countries. It was timely for the Special Rapporteur to look more closely at the practices of torture with racism as the prime motive. It was a matter of grave concern that the working methods of the Special Rapporteur relied too heavily on communications and allegations of torture received from individuals and non-governmental organizations. In the implementation of their mandate,

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the thematic rapporteurs and working groups could do more than receive complaints and seek Government responses to the allegations and publish reports. They could also be more active in selecting the input.

In practice, he continued, Governments were quite often asked to respond to communications of dubious nature, such as cases without proper identifications, including complete names and addresses. Indonesia appreciated the fact that the Special Rapporteur on Torture, in reporting communications, did not take a stand on whether the allegation was well-founded. Regrettably, such a clear-cut position was absent from the report of the Working Group on Disappearances, in which references to allegations of disappearances appeared as "cases of disappearances", implying that those cases had truly happened.

JUANA SILVERA NUNEZ, (Cuba) said that in the United States, every year a new record was set for violent crimes of all sorts. That country also had the most people in prison in the world, with blacks as the largest single population in American prisons. Concerning the cases of enforced disappearance, it was clear that the battle was far from won. Last year's work on the Declaration on the Protection of People against Enforced Disappearances had been a useful contribution. There was concern at the increased global incidence of allegations of torture against children. Impunity for violators of human rights was another issue: a study should be carried out on the subject. The question of restitution for victims of human rights violations was also important and a study on the privatization of prisons should also be carried out.

MOON BONG JOO (Republic of Korea) said the role assumed by the Special Rapporteur on Torture exemplified the usefulness of thematic procedures. The Commission should continue to keep the issue of torture at the top of its agenda. Public knowledge of serious human rights abuses was one of the surest means of encouraging effective international cooperation, as well as the acceptance of the international prohibition against torture. The problem of enforced or involuntary disappearances would continue to remain unabated until all Governments were resolute in their determination not to tolerate forced disappearances. Individual Governments had to increase their efforts to punish severely those responsible for forced disappearances, even when the guilty were themselves Government employees.

The Republic of Korea was deeply concerned that a number of staff members of the United Nations and related organizations had been detained, imprisoned, reported missing or held in certain countries against their will, and that the relevant organizations had not been able to fully exercise their right to protect them, he said. It shared the view of the Special Rapporteur on this matter and would support any initiatives by the Commission to examine the human rights situation of these staff members and their families, as well as the measures taken or contemplated to protect their basic rights.

ALVARO HERNANDEZ LUNA, of the International Indian Treaty Council, said that in the 1960s, pursuant to the Federal Bureau of Investigation (FBI) "Counter-Intelligence Programme", the United States Government had initiated a

programme to neutralize leaders and organizations of Native Americans, Chicano/Mexicanos, Africans and Puerto Ricans to stop them from demanding social and racial equality. Many of the leaders were killed, others falsely accused, framed and imprisoned. Some still remained in prison today. An example was the American Indian Movement leader Leonard Peltier, in prison since 1976 and currently serving two consecutive life sentences for a crime he did not commit. He had been extradicted from Canada on the basis of evidence the FBI later admitted it had fabricated. Geronimo Pratt, a former Black Panther Party leader, was the longest held political prisoner in the United States. He was accused of shooting a person in California, although he was proven not to have been at the scene of the crime. Mr. Pratt had been in prison for over 21 years now. There were many similar cases. The United States judicial system was used in a harsh and discriminatory manner against peoples struggling for justice and for self-determination. Human rights watch groups had concluded that capital punishment was applied there in a racist manner.

Representatives of the International Federation of Human Rights said the maintenance of the state of emergency in Syria was one of the main causes of the massive violation of human rights. It was still difficult today to assess the number of people who had died during the 1982 Hama events. The system of justice had become marginalized and dominated by extra-judicial bodies. Exceptional courts had become omnipresent. The Commission was urged to take steps for the release of all prisoners of opinion and the abolition of the exceptional courts. Human rights problems still remained in Lebanon and the release of prisoners of opinion in that country should be undertaken. The Federation expressed concern about the new Tunisian law of association and about the arbitrary detention of thousands of persons in China. In China, administrative procedures were used, rather than the formal judicial process, against persons defined as "anti-socialist elements". A special rapporteur should be appointed to analyse the administration of justice in China.

HRAIR BALIAN, of Human Rights Advocates, said testimony offered by Baroness Caroline Cox of the United Kingdom House of Lords, returning from a humanitarian mission in January to the Trans-Caucasus where she had investigated the problem of hostages, spoke of a seventy-year old Armenian woman taken hostage by the Azerbaijani armed forces on 3 June 1992, together with her husband. She and her husband were sold from village to village; on 4 August they were separated and she did not know if he was still alive. She was tortured, raped, spat upon and beaten, humiliated wherever she went, and in one place she could hear other Armenian women hostages being beaten and raped. Human Rights Advocates was in possession of a list of at least 240 Armenian civilians from Nagorno-Karabakh held hostage in Azerbaijan. Others were found tortured, maimed and summarily executed. Human Rights Advocates could provide further details of such cases. The Commission should examine the possibility of its thematic rapporteurs and Working Groups on torture, summary executions, disappearances and arbitrary detentions of conducting a joint investigation on these matters.

WALTER ALBAN PERALTA, of the Andean Commission of Jurists, said there were daily reports of enforced disappearances in Latin America; in Peru last

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year, there were 286 reported disappearances, of which 178 remained missing, 50 were found dead, 45 were freed, and 7 were reported detained. There were also problems of this sort in Venezuela. It was necessary to combat disappearances by eliminating the underlying conditions that led to them. Arbitrary detention was also practised in the region. It was extremely important to fight against impunity; even though Peru had a high rate of disappearances, those responsible were rarely brought to justice. States that had not done so should adopt regulations on habeas corpus. States of emergency could not serve as an excuse.

MICHAEL VAN WALT, of Pax Christi International, urged the immediate release of Aung San Suu Kyi, who had now been under house arrest in Burma for the past three and-a-half years. Her detention served as a powerful reminder of the thousands of political prisoners everywhere whose only crimes were the desire for freedom and the personal courage to stand up for their beliefs. Many Governments denied having any political prisoners, although their jails and labour camps contained hundreds, sometimes thousands, of persons detained for having criticized the Government or for having demonstrated peacefully.

The Chinese Government, for example, claimed that there were no political prisoners in China or Tibet. Much publicity was being given by the Government to the release of a few prominent student leaders who were arrested in 1989. There were still hundreds of less well-known persons in prisons or labour camps, serving sentences for their continued support of the democracy movement. In Tibet, torture of detainees was routine. The treatment of the East Timorese had worsened. The 5,000 Palestinian prisoners in Israel and the repression of Albanians in Kosovo were also causes for concern and the Commission should not be dissuaded by those Governments which claimed there were no political prisoners in their jails or labour camps.

RONALD KOVEN, of the World Press Freedom Committee, welcomed the call by Canada and the United States for the appointment of a Special Rapporteur on violations against freedom of speech and of the press. For years, the Committee had been calling for the Human Rights Commission to make violations against press freedom guarantees a regular feature of its agenda. It had worked out a Charter for a Free Press urging Governments to refrain from such practices as censorship, control of news media, restriction of access to means of dissemination, licensing or other limits on the practice of journalism and so forth.

Many of the new democracies were tempted to adopt laws that were still on the books in older democracies but which were now only rarely enforced and even then in circumstances where freedom was the rule and careful attention was paid to democratic traditions. For example, such a law against insulting the Head of State, which might seem to have some surface validity where the sovereign played no direct political role, became a dangerous instrument of repression in a country emerging from the nightmare of totalitarianism. Temptations to enact and to enforce such statutes had surfaced in new countries as far apart as Kazakhstan and Slovakia.

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Representatives of the American Association of Jurists said the Special Rapporteur on the freedom of the press should consider the role of the mass media and the establishment of mechanisms to prevent domination by monopolies. In Peru, as a result of the disruption of the justice system following the April coup d'état, some lawyers had to seek asylum in other countries. There had been a disproportionate increase in the penalties: those who were residing abroad were losing their nationality, there was the intention to re-establish the death penalty, and lawyers were prohibited from defending more than one person. It might be too unrealistic to expect a series of regional conventions for the prohibition of torture and they therefore called for support for the Optional Protocol to the United Nations Convention against Torture.

Mr. MAHACASSAPA, of the International Federation for the Protection of Linguistic, Cultural, Ethnic and All Other Minorities, said in the Chittagong Hill Tracts of Bangladesh, the indigenous Jumma people continued to be subjected to cruel and degrading treatment. Armed settlers, in collaboration with the security forces, had killed over 200,000 people and had forced 57,000 to flee the country and live as refugees in India. The Commission, Governments and non-governmental organizations must exercise their influence, including the pressure which could be brought to bear by linking further economic aid to Bangladesh to the improvement in the human rights situation, to promote the negotiation process.

The fate of hundreds of prisoners in Tibet should be the subject of great concern to the Commission, he continued. Torture of detainees was routine and included various forms of extreme degrading treatment. Most detainees in Tibet were accused of "counter-revolutionary activities". Their "crime" was participation in peaceful demonstrations, expression of support for the Dalai Lama, or refusing to accept Chinese Communist Party propaganda which claimed that Tibet was and should remain part of China.

JESUS PERMUY, of the International Association of Educators for World Peace, said human rights violations continued in Cuba, where there was still a large number of political prisoners, detained in overcrowded conditions and lacking adequate food. There was an increase in mass exoduses, as well as in the number of disappearances, as well as attempts to destroy and threaten members of the opposition. Fanaticism and intolerance had led to human rights abuses. The circle of the expression of discontent had, therefore, become closed. Moreover, the judiciary could not be relied on because of its lack of independence.

CARMELO MOCONG, of the World Alliance of Reformed Churches, said arbitrary detention and torture was a major problem in Equatorial Guinea. Last December, police and security forces had carried out a violent raid on the political opposition and students in the city of Malabo. The 68 detainees were tortured continually during the entire period of detention and the perpetrators were never brought to trial. Such cases were not unusual. The Commission should examine the situation in Equatorial Guinea and the Government must be forced to adopt the plan of action developed by the United Nations expert.

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ELLEN LACOURT, of the International Federation Terre des Hommes, said extreme forms of torture and abuse and arbitrary detention were taking place in Morocco and in Western Sahara. One example was a trial held behind closed doors in which 18 detainees were not given defence counsel. In other cases, torture was practised to make prisoners "confess". Demonstrators in southern Morocco against the Government were detained without trial and subjected to ill-treatment that had led to hospitalizations. Many were students; their parents were not allowed to visit them. A commission of inquiry must be created immediately to investigate the situation in Morocco. Economic trade with Morocco should be suspended until it ceased its policies of arbitrary detention and torture. Meanwhile, Morocco should not be allowed to participate in the World Conference on Human Rights.

Representatives of the International Fellowship of Reconciliation referred to the relationship between hostage-taking, arbitrary detention and the freedom of expression. China practised arbitrary or administrative detention and victims were not informed about the reasons for their arrest. The period of preventive detention should not exceed three months; however, some persons had been detained for more than 18 months. Moreover, forced labour and other such reform could last up to three years. The Special Rapporteur on Torture should visit China and his report should be considered under a special agenda item by the Commission.

Neither the Commission nor the Subcommission had dealt with the problem of hostage-taking in any substantive way. In August 1990, Saddam Hussein had detained nearly 2 million foreigners and had characterized them as "guests". Indeed, the Western hostages in Lebanon had been released, but the bodies of several of them had not been handed over. The Commission had to denounce in a specific resolution or declaration the assault on Salman Rushdie.

LUIS ZUNIGA REY, of the International Immigrants' Foundation, said that as a political prisoner in Cuba, he had been subjected to torture. Violence against prisoners in Cuba was not, as Cuban officials claimed, a past practice, but merely a pause during the visit by the Special Rapporteur. Political prisoners in Cuba were forced to share space with common prisoners. There was a lack of adequate food, as well as psychiatric abuse, which was also applied to the clergy. The list of victims was long; in a society where there was no freedom of expression and information, Governments could commit all types of abuses. There was only one country in Latin America where the Government controlled all media, and that was Cuba.

Rights of Reply

KEIICHI AIZAWA (Japan), speaking in exercise of the right of reply, said War Amputations of Canada had mentioned claims by ex-prisoners of war and civilian internees during the Second World War. The San Francisco Peace Treaty of 1952, signed by Canada, stipulated that the Allied Powers waived reparations claims arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war. Japan agreed with the Subcommission on Prevention of Discrimination and Protection of Minorities, which stated that the "1503 procedure" could not be applied as a reparation or

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relief mechanism for human rights suffering or other losses during the Second World War. The United Nations was not the organization for solving problems which had occurred before its time.

SARAH FOULDS (United Kingdom), referring to a statement made by the Lawyers' Committee for Human Rights, said that the Government was fully committed to ensuring the fair treatment of all detainees in holding centres. The Government had already expressed its deep reservations about the Committee's report on human rights in Northern Ireland, which it believed to be lacking in balance and excessively dependent on uncorroborated allegations.

CLOVIS KHOURY (Syria) said Amnesty International had referred to the situation in Syria, along with other third world countries -- the same procedure that organization followed last year. This was the same old selectivity, which weakened the organization's credibility and objectivity. Amnesty International had spoken of prisoners of conscience and thousands of detainees and disappeared persons. States of emergency were unusual situations and existed in other countries, too. In Syria's case, the situation resulted from a war and occupation of part of its territory by Israel. States of emergency were only very rarely resorted to by Syria and rights in the country were very much respected. Sentencing by courts and tribunals there were not much different from those of courts and tribunals elsewhere. There had been no cases of disappearances in Syria.

LIN GOUYU (China) said that a number of speakers had made "vicious and groundless attacks" on China's legal system. This illustrated their ignorance about the issue. The major task of Chinese courts was the defence of peoples' rights. The courts strictly followed procedures which were set by the law. All citizens were equal before the law, irrespective of their national origin, sex or other criteria. The courts investigated and did not depend solely on testimony. It was groundless to attack the Chinese legal system. Laws in China prohibited the use of torture. China had been successful in reforming prisoners.

OLGA SPASIC, observer for Yugoslavia (Serbia and Montenegro), said competent international fora had named the true aggressor in Croatia -- Croatian forces. She rejected blame for the civil war in Croatia. The disappeared persons the Croatian delegate had spoken of could not be found in the territory of Yugoslavia. In making such claims, Croatia had abused international agencies and ignored the best interests of its own people.

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United Nations

Press Release

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COMMISSION CONCLUDES DEBATE ON HUMAN RIGHTS OF DETAINEES; BEGINS DISCUSSION ON FURTHER PROMOTION OF HUMAN RIGHTS

Referring to Salman Rushdie, Iran Asks Nations to Refrain from Imposing Their Heroes on Others

GENEVA, 24 February (UN Information Service) -- The United Nations Commission on Human Rights this evening heard the representative of Iran declare that as much as Canada or others might regard Salman Rushdie as a symbol of freedom of expression, one billion Muslims across the globe found in him a symbol of an organized antagonistic move by the West against Muslims.

Each nation was free to choose its heroes, he continued. However, the least one could expect of them was to refrain from imposing them on others. Salman Rushdie had insulted the deepest sentiments and beliefs of Muslim nations. His act had also resulted in the loss of lives of hundreds of people. If, for Canada or some other Western countries, Mr. Rushdie and his book were sacred, so be it; but they should keep the sanctity to themselves.

During the Commission's closing debate on the rights of detainees this evening, the representatives of several non-governmental organizations urged the Commission to investigate alleged violations of human rights in Myanmar, Morocco, East Timor, Iran, Peru, Haiti, Guatemala, Ethiopia and the Philippines. The Commission was told that the civilian society had become subordinate to an increasingly centralized military State in Myanmar. A series of martial law decrees, in force since September 1988, was the direct cause of the violation of non-derogable rights and had led to extrajudicial executions, torture, forced labour and racial discrimination.

Three former detainees, one Moroccan and two Sahraouis, who had claimed to have been detained by Morocco without trial and tortured systematically, urged the Commission to send an international investigation team to Morocco and to bring those guilty of crimes against humanity to trial.

The Commission also heard reports of arbitrary arrests, torture, disappearances and extrajudicial executions of students and academics in Peru, Haiti, Guatemala and Ethiopia. It was urged to condemn the unjust and cruel

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repression of Iranian women and to impose sanctions against those responsible for crimes such as arbitrary arrests, whipping and rape committed against those women. Other non-governmental organizations urged the Commission to treat cases of torture carried out against protected persons, including prisoners of war, and gross violations of the rights of detained persons during armed conflicts as war crimes, and alleged the persistence of human rights violations in the Philippines and in East Timor.

The representatives of the following non-governmental organizations made statements during this evening's debate: Commission for the Defense of Human Rights in Central America, Arab Lawyers' Union, African Association of Education for Development, World Federation of Trade Unions, International Educational Development, World University Service, International Association of Democratic Lawyers, World Student Christian Federation, World Conference on Religion and Peace, Centre Europe-Tiers Monde, International Federation of ACAT, International Falcon Movement and National Aboriginal and Islander Legal Service Secretariat.

The Commission also began its consideration of methods for further promoting and encouraging human rights and fundamental freedoms this evening, with statements on this item by the representatives of Mexico, Russian Federation, Australia and Cyprus.

The representatives of Iran, Bangladesh, Azerbaijan, Sudan, Cuba, Ethiopia and Japan spoke in exercise of the right of reply concerning the rights of detainees.

Statements Made

SILVIA PORRAS JIMENEZ, of the Commission for the Defense of Human Rights in Central America, said in 1992, Guatemalan journalists had been subjected to persistent abuse and were consequently forced into exile. Cameras and equipment had been destroyed and journalists feared for their lives. Guatemalan citizens were thus denied their freedom of information. Justice in Guatemala was slow, ineffective, under-funded and sometimes corrupt. Impunity in Central America was a major problem, especially in Guatemala and El Salvador. An end to impunity would only come about with the purging of the armed forces, as had been stated in the peace agreements. The ending of impunity was an international responsibility if a democratic society was to be created. Moreover, the cases of enforced disappearances continued to increase in Guatemala. It was a moral and legal imperative to bring those responsible for such crimes to justice.

AMIN MEDANI, of the Union of Arab Lawyers, said that in conjunction with the Sudan Human Rights Organization, Sudan had witnessed since June 1986, its darkest period in history in connection with political arrest, detention and torture. Immediately after the present government took over, all leaders of political parties, trade unions, journalists, lawyers and human rights activists had been arrested and detained without charge or trial for long periods. A few months later, when trade unionists, doctors and engineers sought to stage a general strike, large-scale detentions took place among all professionals, who were sent to private detention centres where the most

brutal types of torture were meted out to them. It was almost four years since the present government had been in power, the state of emergency still applied, the curfew was still in place. Detention without charge or trial and torture still continued. The international community should ensure that the situation in all parts of the country was closely and continually monitored.

CELESTINO BAKALE, of the African Association of Education for Development, said detention, intimidation and torture were daily occurrences in Equatorial Guinea. The dictatorship detained people at will and girls had been raped during their detention. Murder of political opponents was common, and to be an opposition member was to be deprived of all basic human rights. The situation was bad and getting worse. The people of Equatorial Guinea were looking to the Commission for help.

DANIEL RETUREAU, of the World Federation of Trade Unions, said that for years, authorities in Iran had persisted in crime and intolerance and ignored world opinion. It had distorted the humanitarian standards of Islam. In Turkey, prisons were torture centres -- and Turkey's continued denial of these practices had to stop. In Morocco, unfair sentencing and imprisonment of political opponents continued. It was scandalous that a trade union leader there, speaking on behalf of union membership, should be imprisoned for saying things that were true. The trial had been unfair. No one from this country should serve as Vice-Chairman of the World Conference on Human Rights.

KAREN PARKER, of International Educational Development, said that torture carried out against protected persons, including prisoners of war, and gross violations of detained persons in the course of armed conflicts were war crimes and deserved the Commission's attention. Prisoners of war were still held by the Guatemalan armed forces, and the names and ranks of the members of Guatemala's armed forces who tortured them and others and carried out summary executions were known, as were the locations of clandestine jails. Rape in Japan was a triple offence: it was a form of slavery, arbitrary detention and torture. Between 1936 and 1945, Japan had enslaved approximately 200,000 girls and women and subjected them to repeated rape, other forms of torture and starvation. While current intentions to address rape and other war crimes in the former Yugoslavia were welcome, inaction regarding Japan's Second World War victims was unacceptable. Detention of Tamils, both in Sri Lanka and in India continued to be a major problem. The Government of India had detained Tamil leader Sathasivam Krishankumar and his vessel in international waters. The Commission must condemn this act and to ask the Government to release the detained persons. Humanitarian law should be incorporated into issues relating to detention and should also be applied to those persons, whether in India or Sri Lanka.

FREDERIEK DE VLAMING, of the World University Service, said 16 Peruvian students from the Universidad Nacional del Centro had become victims of extrajudicial killings since the latter half of 1992. Moreover, killings of university teachers from different parts of Peru had taken place. The autonomy of the university in Haiti had been seriously infringed upon when the Ministry of Education decided to replace staff members of the Administrative Councils of Schools and Universities in November last year. Students of the Faculty of Agronomy had protested against the decision, had been beaten, and

at least 12 had been arrested by the military. Fear of torture had been expressed in the case of Venezuela where members of the academic community were detained last November, shortly after a coup attempt by members of the armed forces. Students and staff from the University of Addis Ababa were killed while participating in peaceful demonstrations on 4 January. The World University Service expressed concern about Lobasang Tenzin, a prisoner in Tibet, as well as about human rights violations against the academic community in Guatemala. The issue of impunity was relevant in the context of developments in El Salvador.

R. BRIDEL, of the International Association of Democratic Lawyers, said the present régime in Iran had returned to the dark ages with respect to its treatment of women. They were subjected to arbitrary arrests, whippings, rapes and amputations and the fundamentalists had often gone out into the streets of Iran and attacked women. Hundreds of women were arrested and imprisoned. Last summer, hundreds of women had been arrested in Teheran, among them young girls and pregnant women. They had been brutalized in public and some had received harsh whipping sentences. The situation of Iranian women was deteriorating daily. The world had to attack the roots of this system in the same way that it had attacked apartheid. The Commission must recommend that the General Assembly condemn the unjust and cruel repression of Iranian women and impose sanctions against those responsible for such crimes.

CLARISSA BALAN-SYCIP, of the World Student Christian Federation, said human rights violations, particularly arrests and detentions, as well as disappearances still prevailed in the Philippines. They continued with impunity, for only a few perpetrators were ever brought to court and almost none was convicted. It seemed ironic that while President Ramos was talking of granting amnesty to rebels, non-governmental organization members were being arrested and charged with subversion. A total of 938 had been arrested and detained last year. Some 600 political prisoners were still in jail when Mr. Ramos became President. Even with his amnesty programme, more than 500 detainees were still in prison. Most of the political prisoners were charged with criminal acts, such as illegal possession of firearms and kidnapping in furtherance of rebellion under a law promulgated under the Marcos regime. This was the reason why the Philippine Government claimed there were no political prisoners in the Philippines today. Impunity remained a major problem in the Philippines.

DAVID ARNOTT, of the World Conference on Religion and Peace, said that Myanmar practised extrajudicial executions, torture, forced labour, racial discrimination, mass expulsions, ethnic cleansing and forced removals. Martial law had not only the effect of violating non-derogable civil and political rights, but also of effectively destroying all sorts of economic, social and cultural rights, in contradiction of the recommendations made by the Special Rapporteur in his last two reports.

Representatives of Centre Europe-Tiers Monde said that the violation of human rights continued in Morocco. In addition to the terrible Tazmamart prison, there were other such centres. Moroccan and Sahraouis were imprisoned

in these centres without having been judged. The Commission was urged to send an investigation team to these centres and to judge those responsible for these crimes as crimes against humanity.

DOMINGO SEIXAS, of the International Federation of Christians for Action on the Abolition of Torture, said he was Timorese and had been staying in Dili when Indonesian armed forces entered East Timor in the 1970s. His father and three brothers, who had fled, were killed by the Indonesians. He was arrested, beaten and released after three months, then re-arrested in December 1982 and tortured. Today, Dili's prison was still full of political prisoners. He urged the Commission to do something concrete so as to put an end to a history which, sadly, had repeated itself every day since Indonesian troops had invaded his land 17 years ago.

HAMID REZA ESHAGHI, of the International Falcon Movement, said Iran had never trampled human rights underfoot as much as it was doing recently. A flagrant contemporary case of judicial misconduct was the way the will of the Mullahs dominated the lives of Iranians. Iran did not presume the innocence of anyone who favoured an opposition party. The fatwah against the Mujahadeen did not recognize individuals -- it applied to anyone in a blanket fashion. People were killed within and outside Iran. Torture was common. Judgements and sentences were often based not on legal texts but on written judgements of Mullahs. Emergency or revolutionary courts and military tribunals were set up, violating the equality of citizens before the law. Trials were closed -- even lawyers were not allowed to be present. There were many political prisoners.

RACHEL MONROE, of the National Aboriginal and Islander Legal Services Secretariat, said the stories of horror and inhumanity in East Timor were sickeningly repetitive. During the three weeks that the Commission had been meeting, it was estimated that over 1,000 people in East Timor had been interrogated, tortured, and finally released by Indonesian troops. The practice of short-term detention with torture was known to be widespread in East Timor as a method of terrorizing the population into accepting Indonesian rule. The Bishop of Dili had spoken out about the torture of East Timorese citizens. Since 1975, an estimated 200,000 East Timorese, one third of the total population in the year of the Indonesian invasion, had died. For nearly 18 years, the people of East Timor had rejected the Indonesian régime's claim that their country was its twenty-seventh province. The people of East Timor had kept the flame of justice and hope alive, a flame which had been fueled by the United Nations. The Commission must finally put an end to the bloodbath in East Timor, which continued unabated at this very moment.

Rights of Reply

M.A. MOTTAGHI-NEJAD (Iran) said that some delegates from Western countries had spoken about the freedom of expression in relation to Salman Rushdie. As much as Canada or others might regard Salman Rushdie as a symbol of freedom of expression, one billion Muslims across the globe found in him a symbol of an organized antagonistic move by the West against Muslims. No religion allowed profanity. These were unacceptable acts that had their repercussions and implications. It was the conscience and common sense of

mankind which was against such profanities. Each nation was free to choose its heroes. The least one could expect of them, however, was to refrain from imposing them on others. Salman Rushdie had insulted the deepest sentiments and beliefs of Muslim nations. His act had also resulted in the loss of the lives of hundreds of people. If, for Canada or some other Western countries, Salman Rushdie and his book were sacred, so be it, but they should keep the sanctity to themselves.

Q.Y.K. MAJUSH (Bangladesh) said a statement by the International Federation for the Protection of Linguistic, Cultural, Ethnic and Other Minorities against Bangladesh was "a package of false and malicious accusations". The speaker had said he was Bangladeshi, but he was not. The Commission knew about the terrorist activities of one tribe based outside Bangladesh; other tribes were participating in Parliament and in political life. The unbelievable statistics given in the statement were false; it was claimed that 200,000 tribal members had been killed in the fighting, while the total population of all 13 tribes taken together was only 400,000. The Prime Minister was conducting negotiations with opposition groups and progress was being made.

A.C.M. OGLY (Azarbaijan) said he was grateful to the representative of Human Rights Advocate who had raised the problem of hostage-taking in Azerbaijan. The list of names of people whom he had claimed to have been taken hostage was not easily verifiable. During the armed invasion of Azerbaijan, which was not related to the conflict in Nagorno-Karabakh, 27 Azeris had been taken hostage and had thereafter disappeared. Sometimes hostages were exchanged for oil or arms. According to the information that was available, some were now engaged in forced labour. Women hostages were used as prostitutes in Armenia. He urged the Commission to send a mission to both Azerbaijan and Armenia for an investigation. His country was prepared to fully cooperate.

SIRAJ ELDIN H. YOUSIF (Sudan) said the Association of Arab Lawyers, over the last few years, had always criticized Sudan more than any other Arab country. Its Secretary-General had been Minister of Foreign Affairs of a régime which had committed striking human rights violations. It was surprising that this gentleman was criticizing someone else's practice of civil rights. Did this Association ever look into human rights in other countries? All the allegations against Sudan were absolutely false.

M. FERRIOL FCHEVARRIA (Cuba) said the representatives of two non-governmental organizations had reiterated their anti-Cuban positions. It was clear that their statements were mere photocopies of the statements they had made in previous years. Cowardliness was not a characteristic of the Cuban people. Their pride towards their achievements, in particular their independence, was characteristic. Cubans would continue to defend their just principles and continue to speak with the same voice. In the face of the opposition by the most powerful empire in the world, Cubans were writing their history.

M. MULUGETA ZEWDIE (Ethiopia) said the representative of the World University Service had said students had been killed, others detained, in

Ethiopia, following a demonstration. But the demonstration had violated the prohibition against non-peaceful demonstrations. Armed students had deliberately confronted the police forces, intending to elicit violence. Policemen had also been injured in the incident. The University itself had issued a statement saying that students arrested in the demonstration were immediately released. Peaceful demonstrations were allowed in Ethiopia. The World University Service had presented a groundless and one-sided version of what had happened.

KEIICHI AIZAWA (Japan) commented on a statement by a non-governmental organization regarding the conduct of Japan during the Second World War. The purpose of the United Nations was to save succeeding generations from the scourge of war. It was not to deal with problems which had occurred prior to its creation. It was outside the mandate of the Subcommission's Special Rapporteur on compensation and restitution to look into this question. The 1503 procedure could not be applied as a claim for losses which had occurred during the Second World War.

Statements on Further Promotion of Human Rights

JORGE MADRAZO (Mexico) said his Government had set up a national institution for human rights in June 1990. There had been some who had doubted the usefulness of setting up such an institution, but it had quickly gained the confidence of the population. It was an organ of the State "but not an organism of the Government". It was a technical body, not a political one. It was independent. Since 1992, it had been raised to the constitutional level. The intention was to complete its work by setting up 32 State human rights commissions. Currently, 18 such local commissions were functioning. The National Commission carried out all the functions of an ombudsman. Its decisions were not legally binding. In addition to receiving individual and collective complaints, it was entrusted with the task of informing the public about human rights. The Commission had so far received more than 15,000 complaints. The majority concerned abuse of authority, delays in judicial processes and arbitrary detention. The Commission had set up visits to prisons and had issued recommendations.

SERGUEY I. KOSSENKO (Russian Federation) said national institutions for human rights were essential elements and Russia, while it did not yet have such an agency, was in the course of developing one and wished to study such agencies in other nations. The forthcoming World Conference on Human Rights would be a good opportunity to meet with officials of such national institutions. For Russia, internally displaced persons and mass exoduses were of great interest. Currently, there were no international criteria defining and describing such persons, including women and children, which made it difficult to obtain international aid for them. A working group to study the matter or an international workshop would be a good idea.

PETER THOMSON (Australia) said discrimination in the context of the HIV/AIDS pandemic was an area of growing international concern. Australia had enacted national legislation last year to proscribe discrimination against people with disabilities. In particular, the legislation defined "disability"

so as to include HIV and AIDS. Discrimination was prohibited in key areas of public life, such as employment, accommodation, and the provision of goods and services. Following national consultations involving Australia's Human Rights Commission, the Government had developed a National HIV/AIDS strategy which endorsed the need for protection against discrimination on the basis of HIV. The effect of discrimination was to alienate the very people whose cooperation was vital to containing the disease. Australia's initiatives in containing the spread of HIV/AIDS had been recognized as being at the forefront of world efforts in this area. The success of these initiatives was evident in the annual rate of HIV infection in Australia. In 1983, there were 3,000 new cases of HIV infection. That figure had since fallen to 600.

ERATO K. MARCOULI (Cyprus) said many of the millions of people who were uprooted from their homes did not cross national borders so as to become recognized refugees in accordance with international instruments, but remained within their own country. There was presently no special international organization or machinery to protect and assist such people. The people of Cyprus have gone through one of the most tragic experiences of the phenomenon of internally displaced persons.

The most effective way to ensure respect for the human rights of internally displaced persons was for the root causes of such situations to be decisively and effectively addressed and for the international community to intensify its efforts for the return of the displaced persons to their homes and properties. There was an urgent need to seek ways to broaden the mandate of existing mechanisms or, if this proved not to be possible, to create new ones for the purpose of alleviating the plight of the internally displaced. The UNHCR should strengthen its efforts to expand its collaboration with human rights bodies, and human rights bodies should show even a greater interest in refugees and displaced persons.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

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1 March 1993

COMMISSION DEBATES VARIETY OF HUMAN RIGHTS ISSUES

GENEVA, 25 February (UN Information Service) -- The Commission on Human Rights continued its debate on alternative approaches and ways and means within the United Nations system to improve enjoyment of human rights.

Statements were made by the representatives of El Salvador, Canada, Sudan, China, Australia, Austria, Cameroon, Sri Lanka, Cuba, Nigeria, Poland, Iran, India, Norway, Philippines, Italy, Hungary, Switzerland and Morocco. Statements were also made by the representatives of the International Committee of the Red Cross (ICRC), the International Organization of Migration (IOM), the Four Directions Council, the World Alliance of Reformed Churches and the International Federation of Human Rights.

The representatives of the Philippines and Indonesia spoke in exercise of the right of reply.

Also this afternoon, the representative of the Secretary-General on human rights issues related to internally displaced persons, Francis M. Deng, introduced his report.

Presentation of Study on Internally Displaced

FRANCIS M. DENG, the Secretary-General's representative on the human rights issues related to the internally displaced, said that this was an area of enormous concern, not only to institutions working in this field, but to the entire international community. The exodus of the internally displaced was different in each case, the causes ranging from armed conflict to economic factors and natural disasters.

The term "internally displaced" did not have a legal definition, he pointed out. For purposes of assistance, there was a search for a functional definition of the term. While the rights of this group were more or less covered under humanitarian and human rights law, there were gaps in certain areas of concern to them. These gaps could be addressed through a series of international principles and guidelines, but work towards an instrument, such as a code of conduct, declaration or a legal document could also be initiated.

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Every one recognized the lack of a focal point in the United Nations for this category of displaced persons, he noted. The United Nations High Commissioner for Refugees (UNHCR) assisted them on an ad hoc basis, as did the International Committee of the Red Cross (ICRC). There were divergent views on the shape of an eventual mechanism. Some favoured a new specialized agency for the internally displaced, others an additional mandate to UNHCR. Still others were in favour of delegating that work to special bodies. That responsibility could, for instance, be entrusted to the machinery of the Commission, such as a working group, rapporteur or special representative.

There was a mutual interest to find solutions, as there were 25 million displaced and 17 million refugees, he said. The problem affected all parts of the world. Any mechanism should take into consideration both the human rights and humanitarian aspects of the problem.

Statements

WOLFGANG SCHALLENBERG, (Austria), said that no part of the world seemed to be spared from violations of basic human dignity. Only a few hundred kilometres from Geneva, bloodshed and inhuman atrocities on the territory of the former Yugoslavia were causing millions of men, women and children unimaginable suffering. Austria welcomed the recent decision by the Security Council to establish an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law in the former Yugoslavia. That decision, however, should in no way deflect from the need to continue the political efforts aimed at finding a peaceful solution to the conflict.

The forthcoming World Conference on Human Rights (Vienna, 14-25 June) would provide a unique opportunity to review the world's human rights situation, he said. Assessing progress and identifying challenges, however, would not be sufficient. The world needed future-oriented decisions. People all over the world expected concrete action at the national and international levels, for guaranteeing the promotion and protection of human rights. Such responsibilities and international obligations could only be met if effective measures were taken at the national level. The gap between international commitment and national reality had finally to be closed and the World Conference, therefore, should adopt concrete recommendations to that effect. The incorporation into national legislation of the standards laid down in the international instruments was essential to lay the groundwork for effective human rights protection.

However, to develop an overall human rights culture, the World Conference should not only lay the groundwork for promoting national legislative measures but also strengthen national institutions, he added. Recommendations originating from the World Conference would also have to contain measures to enhance the effectiveness of the United Nations and to provide the necessary resources for activities in human rights. In view of the enormous tasks faced by the United Nations, the allocation of less than 1 per cent of the overall budget to human rights activities was certainly insufficient and had to be substantially increased without further delay.

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The Conference could only be a starting-point and should be followed up by concrete action at different levels and in different fora, in particular by the Human Rights Commission, he said. A new international human rights partnership calling for firm political commitments could make the Conference a success. Austria was doing its best to support all endeavours in that respect. It was up to all participants, however, to provide the political will not only to reach the goals set in the Universal Declaration of Human Rights, but to go far beyond the standards set nearly 45 years ago.

CARKIS N. MOLINA FONSECA (El Salvador), who is Attorney for the Defence of Human Rights of El Salvador, said that the institution he represented was born through the Peace Agreements. The Attorney was elected by the Assembly for a three-year term. The Office was permanent and independent, with its own legal personality. It carried out objective and impartial investigations of human rights violations. Human rights were, in this case, the sum total of standards and agreements of the system of the United Nations and of the Organization of American States (OAS).

The law stipulated that investigations could be undertaken following the receipt of complaints only, he said. Moreover, in order to be admissible, complaints had to be accompanied by the name and by general information about the complainant, as well as an account of the events. The task of the Office also included efforts to increase public awareness of human rights. Currently, the Office was undertaking preventive action to obtain information about events or incidents which could lead to the violation of human rights. The Office also acted as a mediator.

ANNE PARK (Canada) said that human rights as they applied to women was a long overdue concern for focused attention by the Commission. In recent months, the international community had been shocked by the barbaric practice of the systematic rape of women in the former Yugoslavia, especially Muslim women in Bosnia and Herzegovina. The situation in former Yugoslavia was a unique issue but it provided a sharp reminder of a larger problem: that violence against women remained one of the most pervasive and serious manifestations of human rights abuse. The World Conference would provide an important occasion for addressing the rights of women and the need to improve their realization in all countries as well as throughout the United Nations system.

In view of the forward momentum on issues involving women, it was strange that the human rights of women, and the particular ways in which women were abused, rarely received attention in the Commission, she said. Human rights did not apply only to 50 per cent of humankind, they applied to all humanity. The Commission and its Subcommission should include in their reports information on human rights violations affecting women. Governments should include gender disaggregated data in the information they provided. The Commission could also consider the appointment of a Special Rapporteur on violence against women, who could work with other mechanisms in the human rights system. The time had come to take concrete and practical steps to begin integrating the human rights of women into the mainstream of the human rights system.

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SIRAJ ELDIN H. YOUSIF (Sudan) said the international community was duty bound to extend adequate assistance to the displaced to alleviate their suffering in close collaboration with the Governments in question. Extreme situations, as in the case of Bosnia or Somalia should not be confused with other situations where national Governments were providing protection while they only needed material assistance from the international community.

He said the views expressed in the report regarding the conflicts of southern Sudan and the divisions it had created seemed to be part of an academic exercise which did not relate to the actual situation, he said. The political aspects of the conflict did not fall within the mandate of the Representative of the Secretary General as it was neither religious nor racial. Sudan had strong reservations on the credibility and authenticity of the obviously exaggerated information quoted in the report based on Africa Watch reports. However, the report also contained a number of constructive proposals regarding solutions to the problems of the Sudanese internally displaced. Sudan was providing protection to its displaced citizens.

He said that since last year, the United States was carrying out a consistent, politically-motivated campaign against the Sudan. This should not be taken as sufficient ground to manipulate and exploit the system of the international Organization. The Government had formed a coordination committee to consider, among other things, claims of human rights violations made by the public and take the necessary legal action against the violations.

ZHAN DAODE (China) said the practice of distorting human rights standards, exerting political pressure through abuse of monitoring mechanisms, and applying selectivity and double standards, had led to the violation of the Charter and impaired the sovereignty and dignity of many developing countries. Thus the term "human rights" had been tarnished. The urgent issue was to remove as soon as possible the abnormal situation that was impairing the dignity of the Commission, namely the imposition of human rights concepts, values and ideology by a few countries which styled themselves as "human rights judges" and the interference in internal affairs of other countries by using human rights as a means of applying political pressure. The victims of such practices were developing countries.

Development was an important basis for democracy and human rights and constituted a fundamental human right, he said. The majority of the members of the Commission and of the United Nations were developing countries. Any rationalization of the Commission should take into consideration their aspirations and requests and should be carried out on the basis of extensive consultations and consensus rather than attempting to accomplish everything in one move.

BRIAN BURDEKIN (Australia) referred to the "Principles relating to the status of national institutions", developed at the international workshop on national institutions for the promotion and protection of human rights, held in Paris in 1991. Those principles were intended to provide guidance on the establishment of national human rights machinery which would be effective. Australia welcomed recent developments in a number of countries towards

establishing national institutions. Australia's own national institution, the Human Rights and Equal Opportunity Commission, had six Commissioners appointed to discharge its responsibilities under various federal laws. It had both quasi-judical and advisory functions. It had the power to make binding determinations against Government agencies.

Independent national human rights institutions had an important role, because action at the national level was essential if human rights were to have reality for the vast majority of people, he said. In addition, national institutions performed valuable functions which contributed to the promotion as well as the protection of human rights. In Australia, the Commission also conducted major public education programmes. The World Conference would provide a valuable opportunity to explore practical initiatives for promoting and strengthening national institutions. One such initiative could be the appointment of a high-level special representative or adviser on national institutions.

FELIX ERMACORA (Austria) stated that a careful reading of the study of Mr. Deng, particularly its findings and recommendations, offered a wide spectrum of alternatives as to how the international community could proceed to address effectively the problems afflicting internally displaced persons. Turning to the problem of civil defence forces, he said that there should not be a double standard, differentiating between regular armed forces, on the one hand, and civil defence forces on the other. In particular, article 3 of the Geneva Conventions should be applied also to civil defence forces and their obligation with regard to the treatment of the civilian population as well as of prisoners. States tolerating the existence of civil defence forces were responsible for their respect of humanitarian law. In order to fulfil its current tasks, let alone allow for an effective coordinating role which responded to new challenges and opportunities, a "quantum leap" in resources for the Centre on Human Rights was needed. Austria hoped for a clear indication of all needs in time for the forthcoming World Conference in Vienna so that it could formulate concrete recommendations in that respect.

SOLOMON N. GWEI (Cameroon) said one of the measures taken by his Government to democratize society was the setting up in 1990 of a National Commission on Human Rights and Freedoms. The Commission was charged with the defence and promotion of human rights and freedoms and was authorized to receive all denounciations relating to violations of human rights and freedoms, conduct all inquiries and necessary investigations on violations of human rights and freedoms and report to the President.

The birth or rebirth of democracy in Cameroon had plunged the nation into pain, as was evidenced by rampant violations of human rights by individuals, groups and workers, some acting on their own initiative. It was still a real testing time for a young national institution. They had carried out several investigations, inspected prisons, police and gendarmerie cells, monitored the legislative and Presidential elections and denounced the violations of human rights and freedoms committed by groups, private individuals and Government agents. Those efforts had won credibility for the Commission. Cameroon appealed to the member countries of the Commonwealth to do everything possible

to get Cameroon admitted into the Commonwealth so that it could be encouraged to adhere to the Harare Declaration, which stressed the respect for human rights and freedoms of its members.

ARUNI Y. DEWARAJA (Sri Lanka) said the inability or unwillingness of States to provide for the minimum guarantees to the internally displaced had been, on the whole, the exception rather than the rule. Often the distinction between the internally displaced and the resident civilian population was indiscernible from a protection and assistance perspective. Perhaps what was needed was not the conceptual integration of the causes and consequences, but functional cooperation among existing human rights and humanitarian mechanisms. Internal displacement resulting from terrorist activities of non-state elements pointed to another limitation in approaching the phenomenon through human rights guarantees, which were applicable only to Governments. The causes and consequences of displacement had to be approached from other equally valid perspectives than that of human rights, such as environmental or socio-economic factors. A generalized distinction between the protection and assistance needs of the internally displaced and the rest of the civilian population was in most cases theoretical and should not result in the creation of a privileged category.

MIGUEL ALFONSO MARTINEZ (Cuba) said that no one had imagined that measures such as the threat of use or force, military occupation of foreign territory or the imposition of sanctions could be used in order to give effect to human rights. Yet this was true and Cuba could not accept this state of affairs. What had been envisaged in San Francisco was international cooperation, not international coercion. It was never imagined that Chapter VII of the Charter could be used in humanitarian affairs. This dangerous trend should be rejected by the Commission. Interventionist thinking entailed dangers to the sovereignty of countries.

Over the last decade, there had been a proliferation of monitoring bodies and standards in the field of human rights, he said. This process had started to develop anomolous symptoms. There was a total of 31 such bodies, which led to numerous obligations on the part of States to report and to respond to enquiries. This constituted an enormous burden, in particular for third world countries, where there was a shortage of skilled staff. The situation was very confusing. Cuba no longer knew what criteria were applied when a complaint was received by the Centre for Human Rights. The World Conference would provide a good opportunity to assess this situation. The Centre for Human Rights had to provide the factual information prior to the assessment.

C.U. GWAM (Nigeria) said the fundamental objectives and directive principles of State policy contained in the Nigerian Constitution were consistent with the intent and purposes of the International Covenants on Civil and Political Rights, as well as on Economic, Social and Cultural Rights. Chapter IV of the Nigerian Constitution contained enforceable provisions of human rights, including the rights to life; dignity of human persons; personal liberty; fair hearing; private family life; and freedom of thought, conscience and religion. The others were the rights to freedom of expression and the press; peaceful assembly and association; freedom from

discrimination; and compensation for compulsory acquisition of property. Those rights were ensured and protected by numerous governmental and non-governmental institutions in Nigeria. The most basic among the governmental institutions was the Law Court.

JOLANTA HAJDUK-WYKRETOWICZ (Poland) called on all States to take the necessary steps to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS). The Commission should also invite the Human Rights Committee, as well as the Committee on Economic, Social and Cultural Rights, to pay due attention within their competence to the rights of people infected with HIV or presumed to be at risk of infection.

Developments during the last 12 months had proven once again that the prompt and direct reaction of the international community and its human rights machinery was indispensable. The Commission should continue its consideration in that regard, aiming at a comprehensive solution and the World Conference on Human Rights should contribute to it. Poland would support the draft resolution on the procedure for special sessions of the Commission on Human Rights. Its adoption could solve some procedural problems which had accompanied the previous decisions concerning convening of the special sessions.

The Working Group on Enforced or Involuntary Disappearances had often drawn the attention of the Commission to the problem of the status and activities of civil defence forces, she said. The Commission should request the Secretary-General for further information and consider the problems related to civil defence forces. Regarding the reform of the work of the Commission, she said there was a certain internal contradiction in the Commission's assuming at the same time the function of a World Parliament of Human Rights and that of an operative body dealing with the current issues in the executive mode. Taking into account the experience of the current session, the revision of the agenda and of the allocation of time of the Commission was becoming more and more urgent. Proper steps in that respect, based on consensus, could help the Commission to fulfil its task even more effectively.

MOHAMMAD ALI MOTTAGHI-NEJAD (Iran) said there should be a precise definition of internally displaced persons. Any attempt to help that group of people must be with cooperation, coordination and consultation with the concerned countries. Present institutions were enough to respond to the problems of those peoples.

Last year, he said, the Centre for Human Rights had organized in Tehran a training course on the preparation of periodic reports under international human rights standards. Iran attached particular importance to cooperation in the field of human rights and the principles of non-selectivity, impartiality and objectivity.

The practice of double standards, unilateral interpretations of universal values and politicization of issues could substantially undermine the

Commission's credibility and effectiveness, he said. This was tantamount to unfair and discriminatory treatment, considering that flagrant and systematic human rights violations were occurring in many parts of the world. A fair approach to human rights issues contributed to the promotion of international cooperation. Such cooperation should be based on a profound understanding of the economic, social and cultural realities and the complexities of different societies.

N.D. SHABHARWAL (India) said the problem of internally displaced persons could only be addressed successfully by focusing on the causes. Civil and political strife were not the only causes; natural disasters, poverty, civil wars and terrorism also could be factors. Often, human rights agencies were not directly involved in such situations. A clear, generally accepted definition of internally displaced persons was necessary, but was a very complex matter. Using existing international standards and agencies could be sufficient for coping with the problem. Exceptional circumstances in which States did not protect such persons could be dealt with by international intervention under existing instruments.

DENISE PLATTNER, of the International Committee of the Red Cross (ICRC), said that the ICRC took all the necessary measures to ensure that displaced persons receive the necessary protection and assistance. Wars always represented enormous suffering. The displacement of populations had always been one of its results. Although humanitarian action was directed at the results, rather than the causes of armed conflicts, it remained nevertheless essential. The victim's survival and dignity had to be ensured. Dialogue as well as independence from political aims was indispensable when assisting victims. A Conference on Assistance to Victims of War would be held in Geneva in September. One third of ICRC's budget in 1992 had been devoted to the enormous operation in Somalia. This was the biggest ICRC operation ever organized. However, respect for humanitarian law, by calling for respect for the civilian population, would eliminate the need for such operations. The ICRC was willing to cooperate on new thinking for improving procedures to address the needs of the internally displaced.

HAAKON B.H. HJELDE (Norway) said there were as many as 25 million persons world-wide who had been uprooted within their own countries, as a result of conflict, violence or persecution. This was more than the aggregate refugee population of the world. Action should be based on a comprehensive approach, bringing together prevention, protection and solutions. Norway saw considerable merit in a stronger involvement of the Commission on Human Rights and the system-wide human rights machinery of the United Nations. To overcome existing gaps and ambiguities, a case could be made for establishing minimum humanitarian standards containing substantive and non-derogable principles of both humanitarian law and human rights. Such a set of standards could be seen as being applicable in all situations, during peace or war, as well as in situations of internal violence, disturbances, civil strife, tensions and non-declared public emergencies.

There was a manifest need to strengthen preparedness and contingency planning, he said, as well as a need for improved coordination and cooperation

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between United Nations agencies and international non-governmental organizations. Action was particularly required to formulate general guiding principles, to strengthen information procedures to expand and further develop dialogue with Governments, and to protect certain vulnerable groups such as minorities, women, children and the disabled.

H.K. VILLARROEL (Philippines) said regional institutions for the promotion and protection of human rights and fundamental freedoms did not exist in the Asian region. When the time was ripe, shared commitment would be duly translated into a regional arrangement that was both viable and enduring. The process would take time. There was a need to take into account economic, social and political conditions as well as the specific needs of the Asian region. Work begun at two Asian and Pacific workshops would be continued in Bangkok when the Asian Group held its regional meeting there in April in preparation for the World Conference on Human Rights. The Asian region had an essential and unique role to play in the effective promotion and protection of human rights and fundamental freedoms.

If the Pacific countries of Asia were excluded, the Philippines was the only country in the region to date with a real and authentic national institution for the promotion and protection of human rights, he said. Established in 1987 by constitutional mandate, the Philippine Commission on Human Rights provided effective and accessible remedies to victims of human rights violations in the Philippines.

PAOLO TORELLA DI ROMAGNANO (Italy) said information activities lay at the very heart of any process leading to world-wide awareness and a universal culture of human rights. Information meant not only denouncing human rights violations for the purpose of a more effective protection of those rights. It also meant providing individuals with a better knowledge of their own rights and of the mechanisms existing for protecting them. The initiative of the Centre for Human Rights to undertake a thorough and comprehensive revision of its information programme was a good idea. It was necessary for the Centre to have better coordination with other United Nations bodies and international organizations, to review existing publications to identify and strengthen those most corresponding to the needs and expectations of the public, and to produce teaching materials for all levels of instruction. Additional financial as well as human resources in the regular budget should be envisaged if the Centre was to enhance its activities aimed at disseminating information on human rights and if it was to be able to meet the increasing demands placed upon it.

SANDOR SZAPORA (Hungary) said internally displaced persons were to be found all over the world. In certain countries, the proportion of that vulnerable group was over 10 per cent of the entire population. At a time when the entire world needed to move towards more tolerance and the spirit of cooperation was gradually gaining the upper hand on the international scene, it was anachronistic, given the ethnic mosaic in the former Yugoslavia, and totally inadmissible, to advocate the creation of nation-states and to use force and violence in order to achieve this aim. If this logic were to prevail, the Central and Eastern European region would soon become the scene

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of national strife, and it would not be surprising to see the number of both immigrants and displaced persons increase dramatically in the near future.

Hungary was deeply concerned over the grave situation of the 450,000 Hungarian minority living in Voivodina, he said. They suffered day-by-day atrocities aimed at forcing them to leave their homes. To solve the problem of internally displaced persons, new approaches and preventive measures were needed.

PAUL SEGER, observer from Switzerland, said the Secretary-General's "Agenda for Peace" had attached great importance to respect for human rights. However, the United Nations devoted only 1 per cent of its budget to the Centre for Human Rights. The Centre was faced with suffocation because of the increase in the number of its mandates. The credibility of the human rights edifice was threatened. The Assistant-Secreatry-General was requesting additional resources. His request should be taken very seriously. The World Conference on Human Rights could promote greater engagement towards the search for long-term solutions in that area.

Regarding the internally displaced, Switzerland was pleased that the world had recognized the need for setting up a mechanism, he said. There should be both an operational as well as a preventive task assigned to the special representative on that question. He should also have the possibility of providing good offices.

MOHAMMED HOURORO, observer from Morocco, said the promotion of human rights should be a requirement that transcended other interests. Law must underlie that effort and non-selectivity and impartiality were important. Establishing effective national human rights institutions was also important. Those institutions must be independent, as must the judiciary in each country so that it could effectively protect human rights. Morocco had set up a Consultative Council for Human Rights in 1990. Since its creation, it had proved its independence and its pluralism. It had large ambitions for further progress. That was not a form of apology, nor was it a statement of satisfaction. The road ahead was a long one and the country would face it with determination.

RICHARD PERROUCHOUD, of the International Organization for Migration (IOM), observed that the internally displaced were not a homogeneous category. The causes for their forced migration were multiple and it was thus clear that the solutions had to be varied. Protection and assistance were often inseparable. Purely legal assistance from a human rights point of view risked being partial. A review of the priorities should not weaken existing law. It would be useful to look at mechanisms which existed outside the United Nations. Above all, there was a need for coordination and cooperation.

KONRAD SIOUI, of the Four Directions Council, said it was important for "first nations" be able to represent themselves before the Commission. Non-governmental organization status was not enough for indigenous people. The Economic and Social Council must amend its rules of procedure concerning participation by non-members to allow representatives of indigenous peoples to

speak directly, as did other nations. Younger nations had such status at the United Nations. First nations also had the right to autonomy.

It was regrettable that Canada had offered two draft resolutions involving indigenous peoples without consulting indigenous peoples, he said. It was time to end improper paternalism. Indigenous peoples would offer their own resolutions. A decade for indigenous peoples would be better than an international year, and permanent commissions and boards for indigenous peoples were needed at the United Nations.

SARAH STEPHENS/AARON LONGWAY/MOHAMMAD KURLESI, of the World Alliance of Refirned Churches and Anglican Consultative Council, said that in spite of the internal and international pressure that had brought the Government of Malawi to accept a national referendum in which the people were to be asked to choose between perpetuating the one-party system and the introduction of a multi-party system, the arrangements announced did not satisfy criteria laid down by the United Nations. Particular problems were the lack of independence in the composition of the referendum commission; the ambiguous working of the referendum question to be put to the voters; and the Government's insistence on two ballot boxes in each polling place. The continuing harassment of pressure groups and the disruption of public meetings by Government authorities, as well as barring the use of the sole radio system by the advocates of a multi-party system, and the lack of public awareness of the mechanics of voting also constituted problems.

According to the first and second reports of the United Nations technical assistance team, unless the Government accepted the recommendations of the United Nations Electoral Assistance Unit, the referendum would not be free and fair. The two organizations called on the Commission firmly to express to the Government, its support of the recommendations for "the conduct of a free and fair referendum on the issue of a one-party or multi-party system in Malawi", put forth by the United Nations Electoral Assistance Unit, and to urge the Government to further promote and encourage human rights and fundamental freedoms in Malawi.

Representatives of the International Federation for Human Rights said an institutional mechanism was needed to help internally displaced persons. In Guatemala there were thousands of displaced persons, including nonviolent populations of resistance holding out in mountain areas, those without identity documents clustered in cardboard shanties on the outskirts of cities, and those who were refugees in Mexico. Army harassment was intense. In the Philippines, more than 1.3 million had been displaced by the military. They were innocent, but were considered to be living in Communist strongholds. Many thus routed from their homes hid in the forests and many, including children, died from hunger and disease. The Government did not acknowledge the problems of internal refugees. Fanatical anti-communist groups also persecuted the displaced persons. The international community must help such people.

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Right of Reply

H.K. VILLARROEL (Philippines) said that a great number of human rights violators, including Government officials, the military and the police, had been brought to court and as many as 50 had been convicted. If members of non-governmental organizations had been arrested and charged with subversion, it was because they had violated the anti-subversion law. If they were subsequently released, it was not because they were found innocent but because the anti-subversion law had been repealed. If a number of political prisoners were still in detention, they were there not for their political beliefs, but for having committed common crimes in the pursuit of their ideology. It was true that the Philippine Senate had voted to reimpose the death penalty for certain heinous crimes. To conclude that it was to be used against political dissidents went against the spirit and content of the decision. In no way should it be construed as aimed against political opposition, but rather as a move to strengthen the judiciary in dealing with exceptionally heinous crimes.

RUI A. GOMES (Indonesia) said that the representative of the International Federation of Christians for Action on the Abolition of Torture, who claimed to be East Timorese, and the representative of the National Aboriginal and Islander Legal Services Secretariat, who definitely was not East Timorese, had tried to bring this Commission into a world of fiction. The speakers had conveniently forgotten the atrocities committed by FRETILIN, which had for so long terrorized the population of East Timor. The figure of 200,000 victims had never been substantiated. The real figure was considerably less and concerned mostly the victims of the civil war. Since 1983, the General Assembly had ceased to adopt any resolution on the so-called issue of East Timor, while the Security Council had never discussed the issue.

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United Nations

Press Release

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HUMAN RIGHTS COMMISSION ADOPTS RESOLUTIONS ON SOUTH AFRICA, WESTERN SAHARA

Continues Debate on Promotion of Human Rights

GENEVA, 26 February (UN Information Service) -- The Commission on Human Rights called upon the South African Government to fulfil its responsibility to maintain law and order, to stop the violence, to prosecute perpetrators of violence and to protect all citizens, irrespective of their political affiliation. Adopting a resolution on the subject, without a vote this morning, the Commission called on all parties to refrain from further violence and to resume broad-based negotiations towards a new democratic and non-racial Constitution and for its speedy entry into force.

In other action, the Commission urged all Governments to observe fully the mandatory arms embargo against South Africa and requested all States whose transnational corporations continued to do business with that country to take appropriate measures to terminate those dealings.

Those were two of nine resolutions adopted by the Commission this morning.

Other issues dealt with included effects of economic adjustment policies on the enjoyment of human rights; referendum in Western Sahara; the status of the International Covenants on Human Rights, the effective functioning of human rights treaty-based monitoring bodies; and measures to combat racism and racial discrimination.

With regard to the effects of economic adjustment policies on the enjoyment of human rights, the Commission affirmed that debt payments should not take precedence over the basic right of the people of debtor countries to food, shelter, clothing, employment, health services and a healthy environment. It requested the Secretary-General to invite the international financial institutions to convene an expert seminar on the role of those institutions in the realization of economic, social and cultural rights.

The Commission reaffirmed its support for the continued efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity (OAU), of a referendum for self-determination of the people of Western Sahara.

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For information media--not an official record

Also this morning, the Commission heard the introduction of a report on the situation in Haiti by the Special Rapporteur, Marco Tulio Bruni Celli. He told the Commission that Haitian citizens were defenceless against ongoing arbitrary acts by the armed forces. The power of the military was an obstacle to the negotiations for a return to democracy, he said, and that it was still necessary to monitor the situation in that country.

Statements on the promotion of human rights were made by the representatives of Azerbaijan, Armenia and Sweden.

Resolutions Adopted

By the resolution on the situation of human rights in South Africa, adopted without a vote, the Commission called upon the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation. It also called upon all parties to refrain from further acts of violence. It strongly urged the Government of South Africa to implement fully the recommendations of the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation -- the Goldstone Commission -- and to cooperate with the Commission in carrying out further investigations into the functioning and operation of the security forces and other armed units.

The Commission called upon the Government of South Africa to release all remaining political prisoners, including those on death row, and to allow the safe return of all political exiles and refugees without restriction. It urged the Government, in consultation with all parties to the negotiations, to address seriously and urgently the problem of landlessness and the gross inequalities in land ownership. It called on the Government to repeal the remaining discriminatory apartheid laws, introduce the necessary legal and administrative measures to correct entrenched socio-economic inequalities and implement and enforce, without delay, that legislation in the area of education, health, housing and social welfare.

By other provisions of the resolution, the Commission called upon the international community to support the fragile and critical process of transition under way in South Africa through the phased application of appropriate measures, and reiterated the call to all Governments to observe fully the mandatory arms embargo and the request to the Security Council to continue to monitor effectively the implementation of the embargo. It also renewed its request to the Government to allow the Ad Hoc Working Group of Experts to visit South Africa to gather information from individuals and organizations.

By a resolution on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Commission urged all States to accede to the Convention without delay; called upon all States whose transnational corporations continued to do business with South Africa to

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take all appropriate steps to terminate their dealings with South Africa; and urged the resumption of genuine and broad-based negotiations for a democratic and non-racial South Africa. It requested the international community to urge the Government of South Africa to repeal the remaining apartheid laws and introduce the necessary legal and administrative measures to correct entrenched socio-economic inequalities.

The resolution was adopted by a show of hands vote of 30 in favour, to none against, with 21 abstentions.

By a resolution on the Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination adopted without a vote, the Commission declared that all forms of racism and racial discrimination, such as apartheid, were among the most serious violations of human rights in the contemporary world. It urged all Governments to combat new forms of racism and to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. It invited the United Nations Educational, Scientific and Cultural Organization (UNESCO) to expedite the preparation of teaching materials and teaching aids.

By the terms of a resolution on the effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt, the Commission stressed the importance of alleviating the debt and debt-service burdens of developing countries in the framework of the realization of economic, social and cultural rights. It affirmed that a major objective of any debt strategy should be to help debtor developing countries achieve a level of growth sufficient to enable them to satisfy their social, economic and development needs, and affirmed that debt payments should not take precedence over the basic rights of the people of debtor countries to food, shelter, clothing, employment, health services and a health environment. It requested the Secretary-General to submit a report to the Commission on the repercussions of the debt crisis and adjustment programmes on the effective enjoyment of economic, social and cultural rights of developing countries.

The resolution was adopted by a roll-call vote of 36 in favour, to 2 against, with 12 abstentions. The vote was as follows:

In favour: Angola, Australia, Bangladesh, Barbados, Brazil, Bulgaria, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, France, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran, Kenya, Lesotho, Libya, Malaysia, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Portugal, Republic of Korea, Sri Lanka, Sudan, Syria, Tunisia and Venezuela.

Against: Japan and United States.

Abstentions: Argentina, Austria, Canada, Czech Republic, Finland, Germany, Netherlands, Peru, Poland, Russian Federation, United Kingdom and Uruguay.

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SHUNJI MARUYAMA (Japan), speaking in explanation of vote, said Japan had voted against the resolution on foreign debt. Japan had extended various kinds of assistance to heavily indebted countries and would do so in the future. But the Commission on Human Rights was not the forum for discussing foreign debt or economic adjustment policies. That matter should be dealt with by other appropriate institutions of the United Nations system.

By a resolution on the question of the realization of the economic, social and cultural rights and the special problems of developing countries, adopted by consensus, the Commission invited States parties to ensure the satisfaction of minimum essential levels of each of those rights and affirmed that the full respect of the rights contained in the International Covenant on Economic, Social and Cultural Rights was inextricably linked to the process of development. It invited Member States to include measures to ensure the promotion and protection of human rights in national legislation, policies and development programmes; and welcomed the suggestion that cooperation between the financial institutions and the human rights organs of the United Nations be strengthened by encouraging the participation of the representatives of those institutions in the meetings of human rights bodies.

It requested the Secretary-General to invite the international financial institutions to consider organizing an expert seminar on the role of the financial institutions in the realization of economic, social and cultural rights. It also encouraged the Centre for Human Rights to make available, through its programme of advisory services and technical assistance, expert assistance to States for the purpose of formulating policies on economic, social and cultural rights in the light of the International Covenant.

On the status of the International Covenants on Human Rights, the Commission, by a resolution adopted without a vote, appealed strongly to all States to accede to the International Covenants on human rights and recommended to States parties that they periodically review any reservations made in respect of the provisions of the International Covenants to ascertain whether they should be maintained. The Commission requested the Secretary-General to consider ways and means of assisting States parties to the Covenants in the preparation of reports and to provide the Human Rights Committee with additional means to deal effectively, and in a timely manner, with the increasing workload under the Optional Protocols to the Covenants.

Regarding the question of human rights and extreme poverty, the Commission reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and that urgent national and international action was therefore required to eliminate them. Adopting a resolution on the subject without a vote, it endorsed resolution 1992/27 of the Subcommission on Prevention of Discrimination and Protection of Minorities appointing Leandro Despouy as Special Repporteur on the question of human rights and extreme poverty with responsibility for preparing a study on the issue.

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By a resolution on the effective functioning of bodies established pursuant to United Nations human rights instruments, adopted by consensus, the Commission endorsed the conclusions and recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures. It urged States parties to make every effort to meet their reporting obligations and urged them to meet without delay and in full their financial obligations under the relevant human rights instruments. It invited the treaty bodies to give priority attention to identifying possibilities for technical assistance and advisory services.

Further, the Commission requested the Secretary-General to prepare an inventory of all international human rights standard-setting activities to facilitate better informed decision-making and to ensure that recent periodic reports of States parties to treaty-monitoring bodies and the summary records of Committee discussions pertaining to them were made available in the United Nations information centres in the countries submitting those reports.

On the question of Western Sahara, the Commission reaffirmed its support for the continued efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with OAU, of a referendum for self-determination of the people of Western Sahara. It reiterated the call to both parties to scrupulously abide by the cease-fire and abstain from any provocative behaviour endangering the settlement plan. The resolution on the subject was adopted by consensus.

Discussion on Promotion of Human Rights

CHAKINE ALIEV, observer for Azerbaijan, said the Azerbaijani people had been suffering greatly as a result of Armenian military aggression. One year ago, Khojaly, a small town in Upper Karabakh, was attacked by Armenian military forces. Hundreds of defenceless civilians were ruthlessly massacred, hundreds were taken hostage and very few escaped. Armenian forces continued to commit atrocities, not only in Upper Karabakh, but also in other parts of Azerbaijani territory. Armenia was in fact the first country to practise "ethnic cleansing" when, five years ago, some 200,000 Azerbaijanis were forcibly deported from Armenia, and more than 60,000 from Upper Karabakh.

If every ethnic minority living compactly in a certain country proclaimed its self-determination, the world would end up divided into thousands of miniature States, he said. The Armenian people already had an independent State, the Republic of Armenia. He appealed to the Commission to send its representatives both to Armenia and to Azerbaijan to assess the condition of prisoners of war and hostages. Azerbaijan called upon the Commission, in cooperation with other international bodies, to help find a peaceful solution to the conflict.

VABRAN ABEDJIAN, observer for Armenia, said that if there were normal peaceful conditions, democratic reforms would not be a problem. However, his country faced a major threat from the outside. Azerbaijani authorities were taking advantage of the fact that most Armenian connections with the outside world ran through Azerbaijan. For four years there had been a severe blockade. Mortality among children and the aged in Armenia was great, and in this severe winter there was no heating fuel, and educational and governmental

institutions had been closed. International assistance and humanitarian aid, including food, could not arrive. With all that, how could one talk about human rights? Villages and towns were bombarded. The Commission must take all necessary steps to stop the blockade; otherwise, inspired by Azerbaijan's impunity, other nations might do the same brutal thing elsewhere, he said.

NILS-ARNE KASTBERG (Sweden) said existing organizations of the United Nations should be drawn upon to address the problem of internally displaced persons. It was necessary to have a focal point within the United Nations system for collecting information on the internally displaced. It was urgent to discuss quickly where that focal point should be. The Economic and Social Council should consider the topic at its next meeting.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/435*
4 March 1993

HUMAN RIGHTS COMMISSION CALLS FOR CONTINUED PRESSURE AGAINST SOUTH AFRICA

Pays Tribute to Outgoing Under-Secretary-General Antoine Blanca

GENEVA, 26 February (UN Information Service) -- The Commission on Human Rights this afternoon adopted a resolution condemning assistance to South Africa and calling on all Governments to maintain pressure against Pretoria pending agreement on transitional arrangements and modalities relating to the Constitution and the elections. The resolution was adopted by a roll-call vote of 30 in favour to 12 against, with 9 abstentions.

In another resolution concerned with monitoring the transition to democracy in South Africa, the Commission authorized Judith Sefi Attah to present an annual report to the Subcommission on Prevention of Discrimination and Protection of Minorities on steps taken to prevent violence and to investigate the alleged involvement of the South African security forces in fomenting violence.

Also this afternoon, the Commission paid tribute to the outgoing Under-Secretary-General for Human Rights, Antoine Blanca, expressing gratitude for his service to the Commission and for his dedication to the cause of human rights. Statements were made by the Chairman of the Commission, Mohamed Ennaceur (Tunisia), and by representatives of the regional groups.

Thanking the Commission for its tribute, Mr. Blanca said he regretted having to leave his post without following an entire session of the Commission and also putting behind dutied as the Secretary-General of the World Conference on Human Rights. He said he was passionate about the rights of indigenous people and, as head of the Human Rights Programme, had continued to fight for development.

The Commission also resumed its debate on alternative approaches to improve respect for human rights. The representative of the United States said that, due to its unreformed agenda, the Commission often did not give high priority to the worst violations of human rights. The Commission should be composed of States which best embodied respect for human rights, not those whose conduct was the subject of investigation by special rapporteurs. The

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* Press Release HR/CN/435 dated 1 March should have been numbered HR/CN/436.

For information media--not an official record

representative of Amnesty International called on the Commission to establish a separate agenda item dealing with human rights violations and refugee movements in order to address the current lack of effective action directed at preventing human rights violations which were causing, or were likely to cause, refugee movements.

The following non-governmental organizations also participated in the debate: Christian Democratic International, Friends' World Committee for Consultation (on behalf of the Commission of the Churches on International Affairs), Caritas Internationalis, International Association of Educators for World Peace, International Association against Torture and International Association for Human Rights and Democratic Development.

The representatives of Guatemala, the Philippines, Azerbaijan and Armenia exercised their right of reply.

Action on Resolutions

Under a resolution on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa (document E/CN.4/1993/L.14/Rev.1), the Commission condemned the assistance rendered to South Africa, particularly in the military and nuclear fields, and expressed its conviction that such assistance constituted a hostile act against the people of South Africa and the neighbouring States. It called upon all Governments concerned to take measures to end military cooperation with South Africa, as well as assistance in the manufacture of arms and military supplies in that country, and, in particular, to cease all collaboration with South Africa in the nuclear field.

The Commission appealed to the international community to render all possible aid to the front-line and neighbouring States to enable their economies to recover from the effects of years of destabilization. It also called upon all Governments to maintain measured and appropriate pressure against South Africa until agreement had been reached on transitional arrangements and modalities for drawing up and adopting a new Constitution and the holding of elections with a view to achieving an irreversible transition to a united, democratic and non-racial South Africa. It requested the Secretary-General to continue to ensure the coordination of activities of the United Nations system in fulfilment of the Declaration on Apartheid and its Destructive Consequences in southern Africa and to continue monitoring the implementation of the Declaration.

The resolution was adopted by a roll-call vote of 30 in favour, to 12 against, with 9 abstentions. The vote was as follows:

In favour: Angola, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Cuba, Cyprus, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran, Kenya, Lesotho, Libya, Malaysia, Mauritania, Mexico, Nigeria, Pakistan, Sri Lanka, Sudan, Syria, Tunisia, Venezuela and Zambia.

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Against: Bulgaria, Canada, Czech Republic, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, United Kingdom and United States.

Abstentions: Argentina, Australia, Austria, Costa Rica, Finland, Peru, Republic of Korea, Russian Federation and Uruguay.

C. FLINTERMAN (Netherlands), explaining his country's negative vote, said the late appearance of the draft was surprising. The Commission already had before it a resolution on monitoring the transition to democracy in South Africa. The present resolution duplicated machinery already existing in the United Nations system and its language was not acceptable. Moreover, it did not give credit to positive developments in South Africa.

ROB FENN (United Kingdom) said that all had joined in the consensus on two excellent resolutions on South Africa, and that another, which would soon be voted on, was also a model of the new United Nations support to South Africa. It was against that background that the United Kingdom was surprised to see a draft resolution on military assistance to South Africa. The mandatory United Nations arms embargo should stay and be enforced, but the present resolution did not mention either the embargo or the Security Council machinery to monitor it. The resolution was duplicative and implicitly critical of the Sanctions Committee in New York. The text, moreover, contained language that the United Kingdom had never accepted in the past.

JUN YAMAZAKI (Japan) said his country had voted against the resolution because it did not reflect the situation in South Africa. It was hoped that, in the future, the Commission could discuss the subject in a more appropriate manner.

In a resolution on monitoring the transition to democracy in South Africa (E/CN.4/1993/2/Rev. II), adopted without a vote, the Commission took note of resolution 1992/6 of the Subcommission on Prevention of Discrimination and Protection of Minorities, and recommended that the Economic and Social Council express its appreciation to the Special Rapporteur, Ahmed Khalifa, for his contribution to the cause of eliminating the policy of apartheid. It authorized the Subcommission to entrust Judith Sefi Attah with the task of presenting annually a report on the transition to democracy in South Africa, including: steps taken in accordance with international human rights instruments to prevent violence between different groups in South Africa; steps taken to investigate the alleged involvement of the South African security forces in fomenting violence and how that problem was being addressed; steps taken to ensure equal political participation for all South Africans, including those removed under the apartheid systems to the so-called homelands; and an analysis of the obstacles preventing the democratization of South Africa and ways and means of eliminating them.

Statements

ISABELLE SCHERER, of Amnesty International, said that in virtually every major region of the world, the plight of refugees had been a major issue and finding durable solutions for refugees had become a dominant item on the

agenda of many international and intergovernmental organizations. However, the Commission had as yet made no concerted effort to follow up on the link between human rights violations and refugee movements in its consideration of the human rights situation in countries around the world, and it had not taken appropriate measures. For a number of years the Commission had adopted a resolution on human rights and mass exodus, but there had been little discussion of situations giving rise to refugee movements. That was lamentable, particularly given the increased attention within the United Nations to early warning initiatives aimed at prompt United Nations action to deal with impending refugee movements.

The activities of the Commission could be crucial, she said, in bringing pressure to bear on countries which were violating human rights and, in so doing, were forcing many of their people to flee to other countries in search of protection. The refugee issue should be tackled in a very specific and focused manner. The most effective way to do that would be to establish a separate agenda item dealing with human rights violations and refugee movements.

SIRO DE CASTILLO, of Christian Democratic International, said that last year the Commission had approved by consensus a resolution on the establishment of national institutions for the promotion and protection of human rights. However, much remained to be done in the implementation of that resolution. In a number of States which were members of the Commission, human rights violations persisted. Those States should respect the resolutions they voted for. In Cuba, for example, the national human rights organization had not been legalized and its members had been attacked and even imprisoned. At the same time, the embargoes against Cuba and Haiti should be lifted, as they caused discomfort to the general populations. The Cuban Government should halt the imprisonment of human rights defenders.

RACHEL BRETT, of the Friends World Committee for Consultation, speaking in conjunction with the World Council of Churches, said those organizations were deeply concerned about the large numbers of internally displaced persons in the world today -- some 24 million people, who exceeded the number of refugees -- and the vulnerability of that group of people because there was no United Nations body responsible for their protection. There was a clear need for displaced persons to be provided with both assistance and protection, but it was equally important that the causes of displacement be addressed, since displacement often resulted from human rights violations as well as being a cause of them. Internally displaced persons must not be prevented from becoming refugees if crossing an internationally recognized border was necessary to ensure protection and humanitarian assistance.

The appointment of a Representative of the Secretary-General was a significant first step, she said. There was a need to compile and consolidate relevant international instruments and standards focused on the human rights and humanitarian problems of internal displacement, and to strengthen implementation procedures through the creation of an ongoing mechanism of the Commission.

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MARY TOM, of Caritas Internationalis, said protection of the human rights of internally displaced persons was one of the most critical challenges facing the international community today. United Nations action tended to emphasize assistance, with human rights protection as a subsidiary consideration. Much more needed to be done, both in formulating standards and designating enforcement mechanisms to provide adequate protection and assistance to internally displaced persons. A statement of guiding principles was needed. The Commission could not ignore the plight of some 24 million persons. It should adopt a resolution on extending and expanding the mandate of the Representative of the Secretary-General.

A.E. GRAU SIERRA, of the International Association of Educators for World Peace, said Cuba continued to suffer violations of human rights -- it was a place of prisons and concentration camps, of murder and unspeakable suffering. He said he had been imprisoned for four years and later had been exiled. To help the oppressed was a duty for all. National commissions had done much for mankind's rights. Unfortunately, such institutions in some countries were a sham. Cuba had them in name only. Some citizens were so desperate they floated out to sea in car tires, hoping to reach Florida.

MIGUEL ALFONSO MARTINEZ (Cuba), speaking on a point of order, said he did not oppose freedom of expression within the Commission. But he was concerned by the trend to employ each agenda item within the session to attack the Cuban Government. There would be a report dealing specifically with Cuba under another item. Also, there were certain ethical standards in the Commission concerning the language employed, and the statement in question was outside normal standards. The Chairman should impose standards.

MORRIS B. ABRAM (United States) said that, over the years he had been exhilarated by the unanimity of acceptance, on paper, of the precepts of the Universal Declaration of Human Rights, but saddened by its spotty implementation in so many States and appalled by the gross and persistent violations in much of the world. The fulfilment of rights required more than the end of repression. Ultimately, nothing improved without a stable and reasonably honest, transparent and accountable Government. The claim of self-determination had been abused by those who would dissolve long-established political units and, in some instances, would tear them apart in religious or ethnic disputes. The idea that people of different religious, ethnic backgrounds and cultures could not live fulfilling lives within a common sovereignty was contradicted by the United States and by Switzerland. What was clearly required was adherence to a system of rights under the umbrella of equality.

Building on the precedents of the Nuremberg trials of Nazi war criminals, he continued, the Security Council had established a War Crimes Commission and now a Tribunal to bring the culprits in the former Yugoslavia to justice. It was absolutely essential that there now be assembled a sufficient prosecutorial staff. Otherwise, the War Crimes Commission and Tribunal would be purely window dressing. As for suggestions for change in the work of the Commission, too frequently the highest priority was not given to the grossest violations. Too frequently, a light brush-over was given to human rights

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calamities in which thousands were killed or wounded and in which women were bound in terrible conditions of inequality enforced by law. The Commission should be composed of representatives who were the best embodiments of human rights, but not States whose conduct was the subject of current special rapporteurs. Regions should exercise great care to put forward for membership States whose conduct was not under current serious reproach.

CARLOS CHOC CAAL, of the International Association against Torture, said Guatemalan refugees living in Mexico had hoped for five years to return to their homeland. They needed the rights to free movement in the country, access to land, international escorts, monitoring and verification. Some 2,480 had returned last year. But the Guatemalan Government had erected obstacles to the agreement.

E.D. BOADBENT, of the International Centre for Human Rights and Democratic Development, said violence against women had reached epidemic proportions around the world. In addition to the former Yugoslavia, human rights organizations had reported widespread abuse of women's fundamental rights in Somalia, Liberia, Peru and Cambodia. But violence against women took on many other forms: domestic battery, female infanticide, sexual slavery, dowry related murders and genital mutilation. There should be a special rapporteur on systematic gender-discrimination and violence against women. Member States should secure equal participation of women and men on treaty bodies, working groups and among special rapporteurs and representatives. The invisibility of gender-based violence, and the marginalization of women's rights in general, remained as obstacles to be overcome before there was universal realization of all human rights. The Commission could ensure real progress in mainstreaming women's rights by reserving an agenda item for "the indivisibility of the political, civil, social, economic and cultural rights of women".

Right of Reply

H.K. VILLARROEL (Philippines), speaking in right of reply, said that once again an attack on his country had ignored the facts. The International Alliance of Human Rights Advocates was ignorant in many ways: military operations were not waged against civilians; necessary services were provided to civilians; and rebel operations were, in fact, under way in the areas approached by the army. The Government was committed to human rights.

ALIEV KHKHEN, observer for Azerbaijan, said that the accusation of the representative of Armenia concerning State terrorism by Azerbaijan was totally unsubstantiated. That was proof that Azerbaijan was the victim of State terrorism. Azerbaijan was unable physically to blockade Armenia. Moreover, Armenia bordered Turkey, Iran and Georgia.

The representative of Armenia said Azerbaijan had engaged in slander and falsehoods. Armenia was not waging a covert war against Azerbaijan. Azerbaijani authorities had for decades practised ethnic cleansing against Armenians. Why were Armenians being massacred in their villages? If countries did not respect the rights of their minorities, they lost rightful authority over them.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN//~~435~~ 436
1 March 1993

HUMAN RIGHTS COMMISSION CONTINUES DEBATE ON PROMOTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

GENEVA, 1 March (UN Information Service) -- Several speakers this morning called for the establishment of a rapid-response mechanism to monitor human rights abuses around the world, as the Commission on Human Rights continued its discussion of the promotion and protection of human rights and fundamental freedoms.. If fascism and apartheid had been confronted immediately, a speaker said, the immense tragedy and loss of life might have been avoided.

The Commission also debated whether the human rights records of specific countries could be criticized in the context of the general debate on the promotion and protection of human rights and fundamental freedoms. The Chairman of the Commission, Mohamed Ennaceur (Tunisia), said the item under discussion did not allow for a protracted focus on a specific country. Speakers could discuss the human rights record of any country when the Commission began discussion of the next item -- "the question of the violation of human rights and fundamental freedoms in any part of the world".

Statements this morning were made by the representative of Costa Rica and several non-governmental organizations.

Report on Public Information Activities on human Rights

Under the item under discussion, the Commission had before it a report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign for Human Rights. The report stated that the United Nations was developing its information and education programme, since information leading to awareness of basic rights and freedoms represented an essential element towards the universal implementation of the standards already set in the field of human rights. The five main areas of activity of the World Campaign were: preparation and dissemination of printed information materials; workshops, seminars and training courses; fellowships and internships; special human rights observances and promotion activities.

The elaboration of printed material on human rights was one of the main aspects of the information programme of the Centre for Human Rights, the

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For information media—not an official record

report stated. That material was distributed to national and regional human rights institutions, academic and research institutions, the media, non-governmental organizations and concerned individuals. The Centre was undertaking a thorough and comprehensive revision of its information programme.

The Department of Public Information coordinated and initiated public information activities for the World Public Information Campaign and, as secretariat to the Joint United Nations Information Committee, promoted system-wide information activities as well as world-wide distribution of relevant information materials. During 1992, that work was increasingly oriented towards the preparations for the World Conference on Human Rights to be held this June, and the 1993 International Year of the World's Indigenous People.

The multi-media approach of the Department in that field included production of printed material, films, radio and television programmes, photos and exhibits; undertaking press coverage of all intergovernmental meetings on human rights; holding of press conferences and briefings; initiating contacts with the media; answering public inquiries; holding special events and other activities; collaborating with non-governmental organizations; utilizing the resources of the 67 United Nations information centres and services; and inter-agency co-productions.

Statements Made

J. RODRIGUEZ ALPIZAR (Costa Rica) said that his country was fully engaged in building the necessary structures in order to advance respect for human rights. Several institutions were also being set up to protect the indigenous population of his country. Special curricula were also introduced in the school system in order to combat discrimination and to build tolerance in society. Various educational programmes had also been created to strengthen respect for human rights. Costa Rica had adopted legislative measures to apply and to promote the international instruments dealing with the respect and protection of human rights. The creation of the post of High Commissioner for Human Rights by the regional conference that took place in San José, Costa Rica, was another step forward in the promotion of human rights causes.

RON LA MEMAN, of the International Work Group on Indigenous Affairs, said a lot had occurred over the past ten years since the establishment of the Working Group on Indigenous Peoples. The draft universal declaration on the rights of indigenous peoples was important and should not be rushed; indigenous peoples should participate in all phases of the drafting process. There should be regional meetings on the development of the draft. The indigenous peoples of the Americas were looking to the celebration of the International Year of the World's Indigenous People as something vitally important. Something tangible should come of the observance that would last far beyond the International Year. In the 500 years since the arrival of non-indigenous peoples in the Americas, the indigenous peoples had gained nothing. That had to change. They deserved more than lip service.

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GISELA ELGARRESTA, of the International Immigrants Foundation, said the displacement of people was the result of injustice in the places where war and hatred reigned. The international community should take all measures in advance to tackle the problem that compelled people to leave their homes. The United Nations should establish an urgent mechanism to intervene immediately in cases of grave human rights violations. Such a mechanism had to include the dispatching of a group of experts to collect evidence and recommend the adoption of measures against violations. The United Nations should not be indifferent to a situation that produced victims and resulted in the mass exodus of civilians from their homes.

R. FALLA SANCHEZ, of the World Christian Life Community, said the plight of internally displaced persons had among its causes, armed conflict and the systematic violation of human rights. The situation in Guatemala, and the impunity of the armed forces there, illustrated that fact. Displaced persons there often were regarded automatically as subversives, as members of the guerrillas. That was not true. Indigenous peoples there had been displaced because it was too dangerous to remain in their villages. Internal displacement interfered with such basic rights as the right to food and shelter.

RAMON CERNUDA, of Socialist International, expressed his concern over the prevailing situation in Cuba. Non-governmental organizations defending civil and political rights in Cuba were under pressure from the Government. He also expressed his concern over the treatment of political prisoners and other activists for fundamental freedoms.

BRETT REID PARKER, of Human Rights Advocates, addressed the relationship between the civil defence forces and human rights in Guatemala. The Guatemalan Government had instituted civil patrols as part of the Government's repressive strategy to eliminate the guerrillas and to control the indigenous population. While the Government claimed that service in the patrols was strictly voluntary, all evidence pointed to the fact that indigenous peasants were forced to serve under threat of death. In addition to forcing patrollers to violate internationally protected human rights, patrol service violated the rights to freedom from slavery, servitude and compulsory labour. Patrollers were forced to perform unpaid service for the military at great expense to themselves and their families.

The Commission should take more positive action in light of the serious and seemingly intractable problem of human rights violations in Guatemala, he said. The Commission should appoint a special rapporteur to monitor the situation in Guatemala.

PIERRE ADOSSAMA, of the World Association for the School as an Instrument of Peace, stressed that there was an urgent need to change the educational system so that peace could be achieved in a very short term. Human rights, democracy and education were inseparable. The training of teachers was one of the vital means for expanding education. Schools were not places where conflicts of any kind were intensified. A human rights education was a system which would permit the development of democratic principles among youth. The

children could learn respect for the rights and obligations of one another through such a system. All conflicts and disagreements between people, nations and individuals should be solved through dialogue and negotiations, he said.

S. PORRAS JIMENEZ, of the Commission for the Defense of Human Rights in Central America, said the mere existence of national human rights bodies was not enough to stop violations. Such was the situation in Guatemala and El Salvador. National bodies in those countries could in fact serve as a shield for the impunity of human rights abusers. Such agencies should be completely independent. There was a need for coordination and cooperation with non-governmental organizations which were experienced and well-informed on the situation in certain countries. It was also necessary to protect officials of non-governmental organizations and national human rights institutions so that they could carry out their work in safety.

FATHI KHALIL, of the Islamic African Relief Agency, recalled that war and famine had caused the displacement of people in southern Sudan. The original causes of the conflict were laid down by British colonization before 1940, when they sowed the seeds of hatred and distrust between north and south in the Sudan. In the federal system adopted by the Sudan, Islamic laws were applied only in the northern six states and not in the three southern states. Efforts should be directed to develop the devastated areas of the south. A peaceful solution would help realize development and prosperity of the whole country. Without addressing the poverty problem of Africa, any discussion of human rights could look meaningless.

A. TEITELBAUM, of the American Association of Jurists, said ad hoc or special tribunals, were a problem that had to be addressed. Those tended to be temporary and not impartial. It was necessary to have a permanent, international criminal court to try human rights abuses. There were years of legal experience to draw upon in developing such a court, including examples within the United Nations and European institutions. Such a court should not be created, nor its members selected, by the Security Council. That was a job for the General Assembly. Membership of the Security Council itself should be reformed, he said.

MAGDA GONZALEZ, of the Latin American Federation of Associations of Relatives of Disappeared Detainees, said that in Guatemala, the cases of disappeared people had not yet been resolved. Questions regarding 42,000 victims of forced disappearances had not been answered by the Government of Guatemala. In September 1990, a Swiss national was assassinated by a member of a paramilitary group and the Procurator-General had not yet brought the culprits to trial.

V.A. BLAKE, of Service, Justice and Peace in Latin America, said much progress had been made in Latin America through the protracted, courageous struggle for human rights. But that did not mean that Latin Americans had achieved their goals. The ombudsman, a Scandinavian institution that had worked well in that region of the world, would not work well in Latin America, where corruption and lack of independence made the idea less successful.

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Furthermore, an unrestrained judiciary, such as in Panama, could be a serious problem. Much more could be done to bring countries before the Commission on charges of human rights abuses. An expert group could study the question of impunity, which was a great problem in Latin America.

MARIA TOG, of the International Indian Treaty Council, said that the activities of the civil defence forces were alarming. In many countries, those forces were under the direct control of the armed forces. In the rural areas of some countries where the indigenous population was settled, children were forced to participate in the defence forces. The presence of armed patrols in the communities was disturbing and created anxiety. The violence committed by such groups was even more alarming. In Guatemala, because of internal armed conflicts, many people were displaced and most were victims of such confrontations. She urged the dissolution of the civil defence forces which greatly damaged respect for human rights.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/437
4 March 1993

COMMISSION TAKES UP QUESTION OF HUMAN RIGHTS VIOLATIONS IN VARIOUS PARTS OF WORLD

GENEVA, 1 March (UN Information Service) -- The Commission on Human Rights began debate this afternoon on human rights violations in various parts of the world..

Statements were made by the representatives of Canada, Pakistan, Guinea-Bissau, China, Denmark (on behalf of the European Community), Equatorial Guinea, Turkey, Rwanda and Albania.

The following non-governmental organizations also spoke in the debate: International Federation of Human Rights, World Alliance of Reformed Churches, Human Rights Advocates, Commission of the Churches on International Affairs, France Liberté - Fondation Danielle Mitterrand, Amnesty International, American Association of Jurists, International Human Rights Group, International Association against Torture and the All-Pakistan Women's Association.

The representatives of Pakistan, India, China, Iraq and Cuba spoke in exercise of the right of reply.

Statements

VERENA GRAF, of the International League for the Rights and Liberation of People, said that the problem of internally displaced persons was one of the most serious in the world nowadays and yet one that the international community had not done much to solve. The 1949 Geneva Convention and its 1977 Protocol referred to cases of internal conflict and established standards for the treatment of civilians. The Protocol established the principle that civilians should not be the subject of attacks.

Many States had not ratified the Protocol, she said. That instrument provided an important machinery for the protection of internally displaced persons. Moreover, in some countries which had ratified the Protocol, problems remained. There were internally displaced persons in Peru, mainly rural people who had fled as a result of violence. In Guatemala, civil patrols caused fear and compelled many people to flee their homes. The

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activities of paramilitary groups and the scorched-earth policy resulted in the internal displacement of people in Colombia. Given the lack of international instruments in this area, it was essential to protect internally displaced persons, perhaps by giving a mandate to the United Nations High Commissioner for Refugees (UNHCR).

C. BAKALE, of the African Association of Education for Development, said many Member States encouraged a culture of dictatorship and violation of fundamental freedoms. That was the case with Equatorial Guinea. The establishment of national human rights commissions in some countries was a way of drawing a curtain over human rights abuses. National commissions and human rights clauses were often used as deceptions. If Commission members as well as judges were appointed by dictators, there was little chance they would protect human rights or would be impartial.

FRANCIS DENG, Representative of the Secretary-General on the question of the internally displaced, stated that the magnitude of the crisis of internal displacement could not be over-emphasized. The numbers of the internally displaced, estimated last year at 24 million, were reported this year as having risen to 25 million, and were almost certain to have already exceeded that estimate. When compared to the number of refugees, estimated last year at 17 million, those were indeed staggering figures. Human rights violations constituted a major cause, but more often than not, they were the result of other devastating causes.

It was preferable to have a flexible working definition that provided indicators for identifying those needing protection and assistance, without adopting a conclusive or rigid definition, he said. What was important was that needy people not be excluded. It was better to err on the side of inclusion than exclusion. The question of whether or not existing international human rights and humanitarian law provided adequate protection was another debatable issue. The way out of that dilemma was to build on both assumptions by first compiling the laws that now existed in scattered international instruments, analysing them in relation to the specific needs of internally displaced, and developing from them a more targetted statement of principles or code of conduct. This could then lead to the preparation of a declaration and ultimately a more legally binding instrument.

There was at present no legal instrument focused on the specific needs of internally displaced persons, he said. The issue of mechanism, though not without controversy, was less disputed. Everyone would agree that while important services were being rendered by a number of organizations and institutions, foremost among which was UNHCR, no entity was mandated to cater specifically for the needs of the internally displaced. This was clearly a major gap in the international system. Ideally, the internally displaced merited the same degree of international attention as was now accorded refugees. But since such a major institutional arrangement did not seem likely in the foreseeable future, action by the Commission within the framework of its mechanisms was the most practical.

JAKOB ESPER LARSEN (Denmark), speaking on behalf of the European Community, said human rights violations were taking place in all parts of the world. It was the duty of the Commission to try to address those violations whenever and wherever they occurred. Human rights were intrinsically universal, irrespective of historical and cultural traditions, and the primacy of international law could not be called into question. In Europe, as in many other parts of the world, there had been in recent years a grave and worrying escalation of racial hatred and xenophobic violence among the population. The Governments of the European Community would not tolerate this development and would spare no effort to end such criminal acts, which clearly broke their laws, and would be treated accordingly.

The Community strongly condemned the atrocities and loss of lives in the former Yugoslavia and were deeply concerned that it had not yet been possible to find a solution to this tragic conflict, he said. The Community acknowledged the difficult situation prevailing in some parts of Turkey and vigorously condemned all acts of violence and terrorism. The difficult problems, however, did not diminish the Turkish Government's obligation to respect human rights under the international instruments. The ongoing conflicts in Georgia, Nagorno-Karabakh and Tajikistan led to flagrant human rights violations.

The European Community noted with deep concern the deterioration of the human rights situation in Cuba. It supported the joint initiative of the Secretary-General of the United Nations and of the Secretary-General of the Organization of American States (OAS) to dispatch a human rights mission to Haiti and urged the regime of Port-au-Prince to cooperate fully with the mission. It also strongly condemned the recent violence committed in Togo and expressed regret that the civil war in Liberia had not yet come to an end.

In Asia, the Community was concerned over the rapidly deteriorating security situation in the occupied territories, and arbitrary arrests in Syria, massive violations of human rights in Iraq, continued reports of human rights violations in Iran, and violations of human rights in Afghanistan. The Community continued to be concerned at reports of widespread violations of human rights in China, including Tibet, as well as the situation in Cambodia and Burma. The Community continued to follow closely the situation of human rights in East Timor and remained concerned over the lack of clear information about the number of people killed and over the persons still unaccounted for. He deplored the continuing violence which affected Kashmir, and the ensuing deterioration of the human rights situation in that region.

ANNE PARK (Canada) said human rights issues in one way or another represented a challenge for all countries, including Canada. The purpose of the present debate was a matter of recognizing that some abuses of human rights had become so serious that they demanded international attention. It was the duty of members of the Commission to draw attention to such cases and to ensure that the Commission addressed them. The Commission had two key roles to play: first, by making clear what was expected of Governments with respect to human rights and second, by encouraging and assisting countries which genuinely were trying to improve their human rights records.

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MUSHAHID HUSSAIN (Pakistan) stated that over the past few weeks, his delegation had pointed out the massive human rights violations which were taking place in different parts of the world, and most particularly at the hands of Indian Government forces both in Jammu and Kashmir as well as in India itself. Jammu and Kashmir was recognized by the United Nations as disputed territory. A large number of United Nations resolutions, including Security Council resolutions, had called for a plebiscite to determine the wishes of the people of Jammu and Kashmir. While India itself was a party to those resolutions, and had repeatedly stated that it intended to fulfil the call for a plebiscite, its subsequent organization of bogus elections under the watchful eyes of its armed forces had changed the situation. Today there were 400,000 Indian armed forces in Jammu and Kashmir.

Over the past few years, he said, during which the intifadah in Kashmir had intensified, some 10,000 Kashmiris had been brutally killed and women had been deliberately and systematically raped. After first trying to take refuge behind the untenable position that Kashmir was an integral part of India, India had next sought to portray the struggle of the Kashmiri people as being instigated by Pakistan. This was not true. The problem of massive human rights violations by India in Jammu and Kashmir was not a bilateral problem between India and Pakistan, but one which the international community had to take due note of. Over the past year, the massive nature of Indian human rights violations in that territory had also been further compounded by massive Indian human rights violations within India itself.

BOUBACAR TOURE (Guinea Bissau) said foreign observers and the press were still denied access to East Timor. He urged the Commission to do everything possible to put an end to the flagrant violations of human rights in this territory. His country denounced the persistence of systematic torture. It insisted that the silence which surrounded the situation of hundreds of East Timorese citizens who were suffering in prisons be ended.

JIN YONGJIAN (China) said Chinese people of all nationalities had never so extensively enjoyed their human rights as they did now. That fact had been acknowledged by anyone without prejudice against China. While enjoying their rights, it was only natural that citizens should also perform the duties prescribed by the Constitution and law. While protecting the freedom of religious belief, the rights of the religious bodies and the normal religious activities, the laws of the State provided clearly that no one could make use of religion to engage in activities that impaired the health of other citizens, harmed the unity of nationalities and split the country. That was why a small number of people had been punished according to Chinese law because of their criminal activities in the name of religion. The issue of human rights was essentially one within the jurisdiction of a State. China was opposed to the politicization of human rights and using human rights as an instrument of political pressure and interference in the internal affairs of others.

JAVIER NGOMO MBENGONO (Equatorial Guinea) said his country had established last year a framework to bring about democracy and political pluralism. Among the goals were an independent judiciary and the fostering

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and protection of human rights. The Constitution cited international human rights instruments. Equatorial Guinea was now a pluralist democracy. Eleven political parties were registered and carrying out their functions freely. There were those who because of foreign influence had distorted the democratic process and disrupted harmony within the country. A certain country, which claimed to be friendly, had been biased and troublesome to Equatorial Guinea. There were no government death squads or illegal detentions, as non-governmental organizations had claimed. International agencies and human rights groups were free to visit Equatorial Guinea and see the situation for themselves.

B. CANKOREL (Turkey) said that terrorism had never challenged totalitarian regimes which by definition deprived the human rights of the people. Terrorists were active in political environments where there existed less bloody ways to solve the conflicts. Communist regimes which took power by force had used terrorist tactics in their broader political strategy for revolution. Modern terrorism needed money, high technology weapons and an expensive organization. It was not a coincidence that the terrorism which was supported by other States could stand a chance of success and that narco-trafficking was the main source of income. Europe was integrating not only economically but also politically. The nation-state was disintegrating in order to merge into a larger political union. Therefore, integration meant the increasing prominence of minorities and ethnic groups as a disaggregate of the nation-state. That situation could explain the resurgence of ultra-right parties in Europe.

B. MBARUSHIMANA (Rwanda) said the harsh war that had been tearing Rwanda apart for two years had led to genuine concern; those who were worried about the human rights situation in Rwanda must bear this civil war in mind. Inter-ethnic or political disturbances had led to many of the abuses; Rwanda was putting all its efforts and energy into ending the war. Detainees had been released in 1991. A general amnesty had been offered. The Government had never had any intention of exterminating its Tutsi minority. Negotiations were under way and many agreements had already been signed. Unfortunately, military actions had been resumed, disappointing the entire country. There had been recent cases of rape, torture, execution and bombings.

VIKTOR HABIBASI (Albania) recalled that in spite of progress made in human rights in the past years, there were places where human rights were violated on a permanent basis. The international community and other human rights organizations had the obligation to work against all violations and spare no effort in finding efficient methods to hamper the continuation of those violations. The universal respect for human rights should be ensured in all places without destruction. Albania had decided to assume its responsibilities in respect of human rights and to fulfil all its obligations under the Universal Declaration of Human Rights and other similar instruments. Since the fall of the Communist regime in Albania in 1990, and particularly the last elections of 22 March 1992, the Government had taken all necessary measures in order to implement the provisions of those international instruments.

Representatives of the International Federation of Human Rights said the process of democratization in Zaire had ceased. Marshal Mobotu and his partisans had attacked the homes of civilians and journalists. Torture was common in detention centres; women were raped, and religious facilities desecrated. The economic bankruptcy of the country was such that citizens' basic needs were not being met. The Commission must appoint a Special Rapporteur. In Rwanda, several acts of genocide had been committed by State forces against the Tutsi minority. There was total impunity for the perpetrators. There were war crimes -- particularly summary executions and rapes. In Latin America, human rights violations were widespread in Peru and Guatemala.

CARMELO MOCONG, of the World Alliance of Reformed Churches, said that the San Francisco Charter on respect of human rights was violated by countries such as Equatorial Guinea. The conference of 10 February held between the Government and the opposition was encouraging, but feelings of uncertainty still prevailed in Guinean society. The cultural decadence and the moral crisis also continued to be felt by the people.

HRAIR BALIAN, of Human Rights Advocates, said the 1949 Geneva Convention Relative to the Protection Civilian Persons in Time of War mandated all contracting parties to allow free passage through their territory of all consignments of medical and hospital supplies as well as essential foodstuffs for children under 15, expectant mothers and maternity cases. Yet the international community was confronted with many conflicts in which entire civilian populations of a disputed territory or neighbouring State were deprived of the most basic and essential means to sustain life. The blockades of parts of ex-Yugoslavia, Bougainville, Armenia, Nagorno-Karabagk and parts of Abkhazia, were but a few examples. Armenia had been under a total economic and humanitarian blockade by Azerbaijan since 1989. The situation was so catastrophic that more than 30,000 members of this vulnerable group could die by the end of winter. The Commission and the international community should call upon all parties concerned immediately and unconditionally to cease hostilities and to end all blockades.

SUZANNE RUMSEY, of the Commission of the Churches on International Affairs, said the status of over 12,000 disappearances in Sri Lanka remained unclear and the state of emergency apparatus was still largely in place. Since 1990, the impact of the enforced military blockade of Bougainville by Papua New Guinea was another concern. In East Timor, the military personnel involved in the Dili massacre of peaceful demonstrators in November 1991 had not received sentences for their responsibilities. The Commission should call upon the Indonesian Government to maintain and safeguard the sanctity and integrity of religious institutions. In Guatemala, all vulnerable sectors of civil society had suffered violations of their rights at the hand of military forces.

FRANCOISE BRIT, of France Liberté - Fondation Danielle Mitterand, said grave human rights violations continued in Peru, and the situation had deteriorated over the past year. The armed forces had committed abuses, as had the Shining Path guerrillas. Torture continued to be routine in all kinds

of trials and detentions, particularly in cases of suspected terrorism. The Commission must appoint a special rapporteur for Peru. In Iraq, the Kurds' human rights were being flouted up to the point of large-scale massacres that could be defined as genocide. The United Nations should place a protectorate over the entire Kurdish region and the world must judge and condemn those responsible for the Kurdish genocide. In southeast Turkey, the pace of torture and extrajudicial executions had been sped up in recent months, and villages were routinely destroyed by security forces. A special rapporteur should be assigned to Turkey.

HELENA COOK, of Amnesty International, said in Iraq last year, hundreds of people were victims of the Government's continuing policy of "disappearances" and extrajudicial execution. The fate of at least 200,000 Kurds and Arabs who "disappeared" since 1988 remained unknown. Despite the massive scale of extrajudicial executions and "disappearances" over the past three decades in Indonesia and East Timor, the international community had been largely silent. Up to 1 million civilians were arbitrarily executed in the aftermath of a military coup in 1965. Since President Fujimori came to power, Amnesty International had documented 479 unresolved "disappearances" and a further 211 extrajudicial executions in Peru, but it believed that the number was far higher. In Myanmar, members of ethnic minorities had been the primary targets. Civilians forcibly conscripted to work for the security forces had been shot or beaten to death when they could not perform their duties or attempted to escape.

The army and militia in the Sudan had been responsible for tens of thousands of extrajudicial executions in the war zones since 1993, she said. Hundreds of others were arrested and had "disappeared". In southeast Turkey, security forces last year had killed at least 100 apparently unarmed civilians during peaceful demonstrations or random firing on residential areas in what they said was retaliation for attacks by the Kurdish Workers' Party. It was essential to continue to press for the resolution of cases of "disappearance" until the fate of the victims were established and the perpetrators were brought to justice.

In Morocco, she went on, more than 270 "disappeared" persons had reappeared in 1991, some after 18 years of secret detention. The authorities in Burundi had refused to investigate extrajudicial executions over the past two decades, including the killing of at least 1,000 people by security forces in November and December 1991. The political will to bring those responsible to justice was still notably lacking in Colombia, notwithstanding important new human rights protection mechanisms established in the past two years. There should be a special focus on the need for further efforts by the United Nations to address those gross violations of human rights in the context of the forthcoming World Conference on Human Rights.

F. MENDEZ, of the American Association of Jurists, said that in Guatemala, grave and persistent violations of human rights required Commission monitoring and intervention. Minorities, human rights officials and journalists were threatened, intimidated and attacked. Human rights violators enjoyed impunity. Street children were abused. There were extrajudicial

executions and abductions. In most cases, the security forces were responsible. A special rapporteur should be appointed for Guatemala.

REED BRODY, of the International Human Rights Law Group, said that over the past 12 months, the United Nations had made great advances in dealing with gross violations of human rights. United Nations human rights officers had been deployed as part of peace-building operations in El Salvador, Cambodia and other areas where human rights were violated. The worsening situation in the Sudan demanded public scrutiny of that country's record. The tragedy of East Timor, where more than one quarter of the population had died as a result of Indonesia's illegal occupation, should also be subject of more careful attention than it had received from the Commission. In El Salvador, the Government had failed to comply with the accords. It was thus too early for the Commission to relax its scrutiny. The Commission should own up to the need to treat Guatemala as a situation of gross and pervasive violations of human rights.

Aung San Suu Kyi remained in detention in Burma along with an estimated 1,500 other political prisoners including up to 40 elected MPs, he said. The United States Government's policy of repatriating Haitian asylum-seekers intercepted at sea contributed to the new reign of repression and violence in Haiti and was violating the Convention against Torture. The United States policy also violated the norm of non-refoulement expressed in the 1951 Refugee Convention by returning Haitian asylum seekers to a country without determining whether they faced a well-founded fear of persecution.

VIOLA PLUMMER, of the International Association against Torture, said world-wide unrest resulted from a conscious policy designed to maintain a status quo beneficial to the "developed Northern" world, at the expense of the "developing Southern" countries. The United States was guilty of massive and flagrant violations of human rights. Proof was vividly provided by the conditions of 40 million African ex-slaves who continued to be treated as expendable commodities and second-class citizens. The "highly-acclaimed" United States democracy was one in which by 1989, the top 1 per cent was worth more (in wealth) than the bottom 90 per cent of Americans. Drug sales and usage devastated black and Latino communities across the country, killing the spirit of users and corrupting youth. Drugs represented a two-pronged weapon -- they provided billions of dollars to traffickers and helped anaesthetize and destabilize the communities which received them. It was a tactic employed in all colonized situations. There were secret human rights abuses in Guatemala, El Salvador, Western Sahara and Sri Lanka.

SHAMIN SHAWI, of the All Pakistan Women's Association, said the Indian Government had licensed its occupation forces to assault and abuse the dignity and honour of Kashmiri women. In the garb of search, India was legalizing molestation, humiliation and rape with the specific purpose of breaking the morale of Kashmiri patriots. Females as young as 7 and as old as 70 had suffered rapes. The people of Kashmir looked to the Commission for timely and appropriate concern and condemnation of the Indian disregard of human rights. The confidential report of the District Magistrate to the Divisional Commissioner, Kashmir, leaked to the press, quoted the District Magistrate as

having concluded that the armed forces "behaved like violent beasts". Another type of abuse in Kashmir was disallowing pregnant women to reach the hospitals for delivery. An estimated 300 women had died due to this. The Human Rights Commission should ask the United Nations to institute a tribunal to investigate the crimes of the Indian forces.

Right of Reply

SATISH CHANDRA (India) said Pakistan had made a litany of baseless allegations in its statement on India. He could quote many facts about Pakistan to the effect that it was using terrorism to undermine the situation in Kashmir and Jammu. Pakistan was in illegal occupation of Kashmir. It was using any means available, regardless of the consequences to the human rights of the inhabitants. Pakistan had indulged in murders of innocent people, destroyed public facilities and had caused the rape of women in Kashmir and Jammu. It was time for the Commission to see Pakistan as it really was -- a State that had not made one contribution to the cause of human rights.

MUSHAHID HUSSAIN (Pakistan) said India had once again revised history. Jammu and Kashmir were disputed territory according to United Nations resolutions. Nothing India said would alter that. Today's Financial Times quoted two eminent non-governmental organizations which gave detailed accounts of human rights abuses by Indian security forces in Jammu and Kashmir. India had slammed the door on all recognized human rights and humanitarian organizations, including the Red Cross. India should allow an international team of fact-finding observers to visit this region.

SATISH CHANDRA (India) said Jammu and Kashmir were recognized parts of India. Pakistan was in illegal occupation of a third of the territory. Pakistan had caused three civil wars in the territory and had undermined the democratic system there. Pakistan bore responsibility for the unsettled situation there. Fact-finding missions had little relevance in an open territory like Kashmir and Jammu.

MUSHAHID HUSSAIN (Pakistan) said it was remarkable for a supposedly open and democratic country such as India to participate in ethnic cleansing against Muslims. Twenty-three of 25 states in India had once been declared "unsettled". Was Pakistan responsible for all that? The elections in Jammu and Kashmir had been rigged.

ZHAN DAODE (China) said he rejected the attacks directed against China by the representatives of Denmark, on behalf of the European Economic Community, and Canada on the grounds of human rights violations. Over 30 countries were mentioned by the Community as human rights violators. That was a record. They had no right to point out human rights violations in other places. The Community should clearly point out the countries where racism and xenophobia existed.

M.A. AL-DOURI (Iraq) said a number of countries and non-governmental organizations, known for their feelings against Iraq, were guilty of major human rights violations themselves. The embargo against the Iraqi people was

an example. It had killed thousands, while hundreds of thousands suffered from hunger and disease. Had the European Community given any thought to this? What information, so strange and remote from reality, had led them to think there were hundreds of thousands of Kurd and Shiite victims of Iraqi abuses? What right had anyone to demand the division of Iraq into new countries? That was a return to colonialism.

J. SILVERA NUNEZ (Cuba) said he rejected the statement made by the representative of Denmark on behalf of the European Economic Community. The Community's members were allies of the United States. Those countries forgot that the level of unemployment, xenophobia and racism was high in their countries. The human rights situations in those European countries was also to be questioned.

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United Nations

Press Release

Department of Public Information • News Coverage Service • New York

HR/CN/438
3 March 1993

HUMAN RIGHTS COMMISSION DISCUSSES SITUATION IN IRAN AND IRAQ

Hears Addresses by Government Officials of Tunisia, Kenya and Commonwealth Secretary-General

GENEVA, 2 March (UN Information Service) -- The Minister for Foreign Affairs of Tunisia, the Secretary-General of the Commonwealth Secretariat and the Attorney-General of Kenya, in separate addresses to the Commission on Human Rights this morning, emphasized the role of fundamental rights and freedoms in their countries and regions and in a changing world. The Commission also heard presentations on the human rights situations in Iran and Iraq.

Tunisia's Minister for Foreign Affairs, Habib Ben Yahia, said his country was dedicated to preserving the prestige of Islam and to protecting human rights and the foundations of civil society from those who would use religion to compromise social peace and to change social systems. He said it was time for the Islamic nations to take a common position on those problems and to cooperate in order to neutralize extremist groups.

Commonwealth Secretary-General Emeka Anyaoku told the Commission that "many of the monoliths of human oppression have been swept away" in recent years. But while democratic structures and accountable governments were the best hope of mankind, they were not sufficient in themselves to meet people's basic needs. Attention had to be paid to strengthening the economies of the developing world, he said, and to establishing social orders in which all felt secure.

Amos Wako, Attorney-General of Kenya, said that without economic development, there could be no sustainable democracy, and the world's new multi-party democracies were fragile when confronted with enormous economic and social problems. It was necessary for the international community to take steps to ease the foreign debt burdens of such nations to allow them to consolidate social and political progress.

Introducing the subject of the human rights situation in Iran, Reynaldo Galindo Pohl, Special Representative responsible for that subject, said Iran's culture and qualities had led it to consider a different approach to human

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For information media—not an official record

rights, with regional rather than universal standards. If other countries took the same road, the universal human rights system, which was designed to accommodate different countries and to have standards that were inviolable, would be jeopardized. The universal system of human rights was based on elements that united, rather than elements that differentiated, he said.

Max van der Stoel, Special Representative on the human rights situation in Iraq, stated that Iraq's attitude towards United Nations assistance programmes was incomprehensible. The Iraqi Government made it impossible for humanitarian assistance to be effective. There was even intimidation of United Nations humanitarian officials. Iraq had to allow access to all those in need of assistance anywhere in the country. The situation was so grave that teams of human rights monitors should be sent to that country, he said.

The representative of the Netherlands spoke in the debate and the representative of Burundi exercised his right of reply.

Statements Made

REYNALDO GALINDO POHL, Special Representative on the human rights situation in Iran, reviewed the kidnapping and killing of Djamileh Ghorbani, whose body was found in Turkey. The medical examiner said he had been terribly tortured, Mr. Galindo Pohl said. Iranian intelligence agents were presumed responsible, and apparently five secret service agents had also participated in the operation. In any country there could be historical and cultural factors complicating the application of human rights standards. In Iran's case, there appeared to be a lack of training and inclination for the application of human rights. Education on human rights should start with young children in school, and police and security forces should receive extensive training.

Iran had a thousand-year-old culture and vast human and material resources, he continued. Its own qualities had led it to consider a different approach to human rights, with regional rather than universal standards. If other countries took the same road, would be a risk to the universal system, which was designed to accommodate different countries and to have standards that were inviolable. The universal system of human rights was based on elements that united rather than elements that differentiated. However, the Government of Iran believed that it could interpret rules differently. It maintained that cultural pecularity allowed an adaptation of universal principles and that human rights standards could be altered from country to country.

Iran was duty-bound to adjust its legal, judicial and prison systems to the international instruments it had signed, he said. Still, if people of integrity were not there to run them, there would again be problems. A high-ranking official in Iran had said that international human rights law contained principles incompatible with Islamic law. But in response to the memoranda of the Special Representative, the Government indicated that it had

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commuted the sentences of 1,700 prisoners. That was significant progress, Mr. van der Stoel said, and exhorted the Government to expand that clemency programme.

KOEN DAVIDSE (Netherlands) expressed his concern over the serious violations of women's rights, particularly the rape of women in the former Yugoslavia. Like all war crimes committed in the former Yugoslavia, the rapes had to be considered as war crimes. What had happened in the former Yugoslavia formed part of a broader, world-wide pattern of neglect and abuse of women's human rights. The Commission and other United Nations fora had at times been wary of establishing new bodies or norms and standards for specific groups, and to a large extent, justifiably. Nevertheless, important conventions had been adopted because it was recognized that the rights of certain groups required specific attention.

Violence against women was not and should not be solely an issue for the Commission on the Status of Women, he said. Other monitoring mechanisms in the human rights sphere had equal responsibility to safeguard the rights of women. He strongly supported the draft declaration on violence against women formulated in the Working Group of the Commission on the Status of Women. It had been difficult to address the all-pervasive phenomenon of violence against women effectively in the United Nations. Governments would point to the fact that, in many instances, they did not cause or condone that violence. At the very least, Governments were responsible for the provision of adequate legal protection of women's rights and of a conducive social and political climate. That also implied significant participation of women in social and political processes.

HABIB BEN YAHIA, Minister for Foreign Affairs of Tunisia, in a special address to the Commission, said his country was dedicated to the cause of human rights and had even hosted the African preparatory meeting for the World Conference on Human Rights. Tunisia had developed an open, balanced society. Many ministries were responsible for protecting human rights and recently, constitutional changes and Presidential decrees had further strengthened those safeguards. Reform of the prison system and rules for detention had also been undertaken. Human rights education was taught in schools and to government officials and law officers.

Tunisia was dedicated to preserving the prestige of Islam and also to protecting human rights and the foundations of civil society from those who would use religion to compromise social peace and change the social system, he continued. Tunisia had taken the initiative to keep the phenomena of extremism and terrorism under control. He believed it was time for all to take a common position on those problems and to cooperate in order to neutralize extremist groups.

A sense of realism demanded that the attention of the international community be drawn to the stresses of development in third world countries, he said. Economic and social questions deserved a prime place in international human rights policy. There must be a just and equitable international order to foster these noble principles. Tunisia supported efforts to lighten the

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debt burdens of developing countries. Revising debt repayment would even be helpful for countries with moderate debt burdens.

EMEKA ANYAOKU, Secretary-General of the Commonwealth, said that many of the monoliths of human oppression had been swept away with the old order that had passed. Freedom had become a reality for millions and was only just short of the reach of many millions more. Despite the evident dangers that the crumbling of old barriers and structures had also helped revive ethnic enmities and tensions, there was much that was positive. There was a widespread recognition that, whether in resolving conflicts and assisting to rebuild peace, in providing emergency assistance or in confronting world-wide environmental challenges, a system of global governance was a necessity.

The Commonwealth Heads of Government meeting, which had recently taken place in Harare, had pledged the Commonwealth to work towards the protection and promotion of fundamental political values, he said. Those included democracy, democratic processes and institutions which reflected national circumstances; the rule of law and the independence of the judiciary; and just and honest government. They also included fundamental human rights, including equal rights and opportunities for all citizens regardless of race, colour, creed or political belief. They also pledged the Commonwealth to work for equality for women, for the promotion of sustainable development and the alleviation of poverty in the countries of the Commonwealth.

He said the Commonwealth Secretariat, with its Human Rights Unit as the focal point, sought to promote and strengthen international human rights standards, particularly through its work in facilitating exchanges and networking among individuals, groups and organizations engaged in human rights promotional work. It also promoted human rights awareness through education and training and strengthening national institutions or mechanisms for the promotion and protection of human rights. Another channel through which the Commonwealth pursued its human rights objectives was its numerous non-governmental organizations. Basic human rights principles had to inform all activities, whether they were in the political, economic, social or cultural fields.

While it was being increasingly acknowledged that democratic structures and accountable government provided the best guarantee for the active participation of the peoples in the governance of their countries, they were not sufficient in themselves to meet the basic needs of the people, he said. Therefore, to secure respect for human rights through enduring democratic structures, adequate attention should be paid to strengthening the economic base of countries, as well as to establishing a social order in which all sections of the population felt secure and cared for, he concluded.

MAX VAN DER STOEL, Special Rapporteur on the situation on human rights in Iraq, said people were suffering in that country, especially the poor, who did not have enough money to add to meagre government rations to buy food. How could that happen in a country that could be one of the richest in the world? Iraq blamed the United Nations sanctions, but it forgot to mention the United Nations food-for-oil formula, which could have provided $900 million for food

and medicine. Iraq had rejected the proposal, although it could have saved many lives and much human suffering. The Special Rapporteur said he hoped Iraq would reconsider that decision.

Iraq's attitudes towards United Nations assistance programmes were incomprehensible, he continued. The country made it impossible for humanitarian assistance to be effective. There was even intimidation of United Nations officials. Despite its complaints about the international blockade, Iraq had imposed an even more severe blockade against the Kurdish population in the north. Timely measures were vital to protect the Kurdish population from catastrophe. Iraq must allow access to all those in need of assistance anywhere in the country. If Iraq refused to cooperate, aid must be provided without Baghdad's consent, he added.

Regrettably, there were no signs in Iraq of greater respect for individual rights. The security services did not hesitate to use poison to eliminate political opponents. "Special circumstances" were often cited as an excuse, but massive and grave violations could not be allowed under any circumstances. That applied to summary executions, disappearances and torture. "People's guards" had, by decree, a free hand to do as they pleased with impunity. There was no rule of law under those conditions -- only the rule of terror. The situation was also worrisome in the southern marshes, where there were continued artillery barrages and an economic blockade. The situation in Iraq was so grave, that teams of human rights monitors should be sent to the country, he said, although Iraq had rejected the proposal as tantamount to "colonialism". The General Assembly favoured such an operation, however, and had asked the Commission on Human Rights to follow up the proposal. At the least, it was necessary to have monitors to interview those leaving the country, he said.

S. AMOS WAKO, Attorney-General of Kenya, recalled that when Kenya had attained its independence in 1963, the challenge it faced was not only to eradicate poverty, ignorance and disease, but also to create a united country out of an amalgam of people of different ethnic, tribal and racial backgrounds. In December 1991, in order to enhance democracy, Kenya opted for a multi-party system and repealed a section of the Constitution which had prohibited the existence of any other political party. Kenya had made its historic decision to move away from a one-party system of Government to a multi-party system. Kenyans had expressed their will by electing 88 members to Parliament from opposition parties, out of 188 elected members.

A multi-party democratic system had been born in Kenya, he said. The international community needed to examine, as it sought ways to promote human rights, the issue of how to deal with human rights in the process of democratization. By human rights, he said he meant all human rights -- civil and political, economic, social and cultural. For the new multi-party democracies it would be fatal not to consider the people's economic, social and cultural rights while focusing on civil and political rights alone. There was a linkage between democracy and development which encompassed economic and social rights. Without democracy, there could be no peace or an environment conducive to development. Without development there could be no sustainable

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democracy. Those new multi-party democracies were fragile, and enormous economic and social problems posed a great threat to democracy if not dealt with promptly.

The challenge that faced the international community and the United Nations was to recognize problems such as the debt burden and some of the policies or prescriptions of the International Monetary Fund, which had a direct negative impact on the enjoyment of economic and social rights as human rights issues, he said. Such problems and policies posed a real threat to the growth of the emerging multi-party democracies. The same zeal and commitment which had been used to promote pluralistic democracy should also be used to promote economic and social rights by dealing with those factors, at the international level, which were obstacles to national economic and social development. The same zeal should also result in more, not less, direct assistance at the multilateral and bilateral levels, he added.

The Attorney-General stressed the importance which Kenya and its people attached to the promotion and protection of human rights, in particular in the area of administration of justice. Stressing the lack of resources, he appealed to Governments to put more resources in the administration of justice and to the international donor community to consider that area for aid. The rule of law and the administration of justice were prerequisites to sustainable economic and social development. National institutions concerned with the administration of justice, human rights and democracy should be strengthened, he said.

Right of Reply

Z. BANYIYEZAKO (Burundi), speaking in exercise of the right of reply, said Amnesty International had accused Burundi authorities of refusing to inquire into alleged extra-judicial executions in the country. Burundi had experienced periods of trouble, but each time had been able to heal its wounds. Inquiries had been conducted and the guilty punished. Obviously there were some problems remaining from those troubles, and Burundi had embarked on programmes of reconciliation. As far as he knew, however, there had been some 500 victims and the culprits had been apprehended and were being tried.

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United Nations

Press Release

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HUMAN RIGHTS COMMISSION DECIDES TO APPOINT SPECIAL RAPPORTEUR ON RACISM AND XENOPHOBIA

Continues Debate on Violations of Human Rights in Various Parts of World

GENEVA, 3 March (UN Information Service) -- The Commission on Human Rights this afternoon decided to appoint for a three-year period a Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance.

The Commission took this action by adopting a resolution in which it expressed concern that in many parts of the world, despite all efforts, racism, xenophobia and acts of violence resulting from them persisted. It emphasized the obligation of the international community to take urgent national and international measures to eradicate such phenomena. The Commission called on States to complement legislative, administrative and penal measures with economic, social, educational and information measures in their national programmes.

Prior to the resumption of its debate on the violation of human rights in various part of the world, the Commission heard introductory statements by its Special Rapporteurs on the situation of human rights in Myanmar, Afghanistan, El Salvador, Equatorial Guinea and Cuba, as well as by the Special Rapporteur on summary and arbitrary executions.

Speaking in the debate were the representatives of Cuba, Iraq, Myanmar, Finland, Bulgaria, Cyprus, Argentina, Nigeria, India, Sri Lanka, the Czech Republic, Venezuela and Lebanon.

The representatives of Sudan, United States, Democratic People's Republic of Korea and Cuba spoke in exercise of the right of reply.

Presentations by Special Rapporteurs

YOZO YOKOTA, Special Rapporteur on the situation of human rights in Myanmar, said that during his visit to Myanmar, many persons, including non-governmental organizations, private groups and individuals wishing to make

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contact with him in order to provide information relevant to his mandate, as well as persons whom he had requested the Government to see, were prevented from doing so through "intimidation and threats" on the part of military intelligence. He was not allowed to see any of the political leaders still under detention, particularly the Nobel Peace Prize laureate, Daw Aung San Suu Kyi, and elected representatives deprived of their liberty.

Regarding restrictions on personal freedoms, including freedom of expression, freedom to receive and impart information, and peaceful assembly, testimony indicated that violations occurred primarily as a result of attempts by citizens to participate freely in the political process and the transition to the democratically-elected civilian Government, he said. Peaceful assembly of five or more persons, publication and distribution of political or social ideas, literature or ideas critical of the Government or the military, had been systematically repressed.

With respect to physical integrity rights, he said he had received numerous reports of violations. Detentions without minimum guarantees for persons under custody, torture, cruel, inhuman or degrading treatment, disappearances and arbitrary executions had allegedly been carried out by the authorities. In regard to summary executions, although the death penalty was allowed under Myanmar law, no death sentence had been carried out since 1988. Hundreds of disappearances had reportedly occurred when persons were taken from villages for forced portering. Dozens of escaped porters recounted that they had been tortured and had witnessed other porters being tortured or killed during forced labour and portering, either for development projects or for the military In violations not related to armed conflict, deaths of political leaders or students while under custody were reportedly carried out by the authorities. After the 1988 and 1990 demonstrations, thousands of persons were reportedly killed by the military.

In the case of the Rakhine Muslims, testimony and information compiled strongly indicated that they had been singled out, as an ethnic minority group, as objects of physical integrity violations, he said. As a result, approximately 250,000 of them had been forced to flee into Bangladesh as refugees. The Government had responded to those allegations by saying that not one Rakhine Muslim had fled Myanmar because of ill-treatment.

The Special Rapporteur urged the Government to fulfil in good faith the obligations it had assumed under the Charter, and to ratify the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the Convention against Torture and the two Protocols additional to the Geneva Conventions of 1949. He also called on the Government to allow the International Committee of the Red Cross (ICRC) access to detainees within its purely humanitarian role.

FELIX ERMACORA, Special Rapporteur on the situation of human rights in Afghanistan, stated that the conflict had persisted in Afghanistan even after the dramatic change in Government in the spring of 1992. The Afghan people, who had suffered so much and had seen their country being devastated, could have expected their leaders to establish an effective central Government,

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preserve the country's unity and restore peaceful conditions which were requirements for its rehabilitation and reconstruction. It had not been possible to establish an effective central Government in Afghanistan so far. It was difficult to impute responsibility for the present situation of human rights in the country to a non-existent central and effective Government.

The first part of the background to the present human rights situation there originated from the war with the Soviet forces and the former Government, he said. The other part was generated by the power struggle currently taking place in the country which had no semblance of a democratic process. It was waged with all the military means available. However, the victims of this power struggle were civilians.

One of the main human rights consequences resulting from the former war was the problem of refugees, he continued. In 1992, more than a million Afghans had returned to their country. This was the largest and fastest repatriation movement which had ever taken place with international assistance. Yet at present, more than 4 million Afghan refugees still remained abroad. The situation in neighbouring Tajikistan had aggravated the problem further by giving rise to a movement of Tajik refugees who were fleeing to Afghanistan.

A second element of human rights in Afghanistan was the administration of justice, he said. One could say that there was a kind of administration of justice at the local and regional levels, but there was no hierarchy in this administration which could guarantee the rule of law. He said he was "shocked" by information concerning the carrying out of death sentences in the second half of last year. Notwithstanding the principles of Islamic law, a country which was a party to the International Covenant on Civil and Political Rights had to abide by the rules concerning the procedure of the implementation of the death penalty enshrined therein.

Another important concern was the question of prisoners, principally political prisoners, he said. Neither the ICRC nor the Special Rapporteur were informed of the whereabouts and the exact number of prisoners and their conditions of detention. The elucidation of the fate of all prisoners was an absolute necessity. They should not be held as hostages. The high number of war-wounded persons seen in numerous hospitals was an additional sign of the continuing conflict. The number of wounds resulting from mine blasts had not diminished.

Concerning the enjoyment of economic and social rights, Mr. Ermacora said that the complete destruction of the country's economic infrastructure provided a telling picture of the situation. At present it was not possible to lead a normal life in Afghanistan. Political stability was an absolute prerequisite for the reconstruction of Afghanistan. The United Nations could not only contribute to the enjoyment of minimum standards concerning economic, social and cultural rights, but it could also advise the political factors in the country on how to ensure respect for civil and political rights.

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Disagreements needed to be settled at the negotiating table. The world community should not apply different standards to different situations of human rights. It should not be indifferent to the fate of the Afghan people.

B.W. N'DIAYE, Special Rapporteur on the question of summary and arbitrary extra-judicial executions, said it was the wish of the international community to abolish capital punishment, which was still exercised by many countries. Vulnerable groups such as children, mentally-deranged persons, refugees and persons under detention, as well as children under armed conflict, should be protected from any form of summary executions. One of the important factors for the increase in summary executions was the absence of measures against impunity guaranteed by some States. The other problem was the question of extra-judicial execution by armed opposition groups, para-military groups and other death squads.

During the last six months, the Special Rapporteur said, he had received 3,500 cases of alleged summary executions which were transmitted to 52 Governments. Of those, 189 cases related to children under 18 years of age -- a direct violation of the Convention on the Rights of the Child and other international instruments. Five hundred and nineteen other cases concerned violations of freedom of opinion and speech and peaceful demonstrations. Some Governments did not reply to the allegations that concerned them. Others, such as South Africa and Zaire, had not replied to similar allegations since 1982.

PEDRO NIKKEN, Independent Expert on the situation of human rights in El Salvador, pointed out that El Salvador was the scene of one of the largest United Nations efforts to bring peace, democracy and respect for human rights to a country. Following the agreements that had ended the conflict, peace was seen as an irreversible achievement. The peace agreements represented more than an effort to put an end to the armed conflict, they aimed at eradicating its roots.

He said the end of armed conflict had eliminated a major source of human rights abuses. This was not, however, sufficient for the automatic creation of an atmosphere of full respect for human rights. There were some positive signs. While there had been a reported increase in ordinary crime, there were no reports of summary or arbitrary executions, the practice of enforced disappearances, or systematic torture in 1992. There were some signs of weakness in the transition of the armed forces to a democratic, peace-time force. The effect of developments on the enjoyment of economic, social and cultural rights was still not felt.

The agreements provided for the establishment of a structure to ensure the guarantee and respect for human rights, consisting of a prosecutor's office, a national civilian police and judicial reform, he said. There were still shortcomings in the administration of justice which had to be overcome quickly. The Government had not fully complied with the recommendations of the ad hoc Commission established under the peace agreements. The Government should implement those recommendations and make the best use of the presence of the human rights division of United Nations Observer Mission in El Salvador

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(ONUSAL) in El Salvador. The agreements represented a path towards a new society.

VOLIO JIMENEZ, Independent Expert on the human rights situation in Equatorial Guinea, said that on the basis of reliable sources, he was able to establish his report on human rights violations in Equatorial Guinea. Since 10 December 1992, he continued to receive complaints on human rights abuses in that country and had recommended that the Government take measures to facilitate respect for human rights and to open the way for political relaxation. Without the political will of the Government, it was not possible to apply the universally recognized principles of human rights. The citizens of that country were not exercising their fundamental rights.

He pointed out that on several occasions, he had made recommendations to the Government on ways and means to improve the human rights situation. The political power of the Republic was concentrated in the hands of the President. Repression and reprisal measures were still taken by the Government in place. Demonstrations by teachers and workers were severely repressed by the armed forces. Arbitrary arrests and detention were widely exercised. Within the last five years there was regression in the country regarding respect for human rights. He regretted that he was not able to help the people of Equatorial Guinea and said he was withdrawing his mandate as Special Rapporteur for that country.

CARL JOHAN GROTH, Special Rapporteur on the situation of human rights in Cuba, said he had tried to establish direct contacts with the Government of Cuba, but his efforts remained fruitless and the Government had continued to reject the principle of cooperation. His report had, therefore, been drawn up on the basis of information received from individuals and non-governmental organizations. The inability to visit the country had impeded his task and did not lead to full objectivity. Attention had been paid to ensure that sources of information were reliable, but he did not rule out the existence of a margin of error.

The report was not an exhaustive analysis of the human rights situation, he said. It did not cover legal and institutional matters, but focused on certain rights which seemed to be more visibly and frequently violated. These included restrictions on the freedom of opinion and expression. The report referred to a number of cases of persons imprisoned after trials which did not respect the guarantees established in this area. In some cases, members of families were dismissed from jobs or excluded from academic institutions for having voiced critical opinions.

He expressed concern about detainees, whose condition was reported to have deteriorated in the last year. No population was more dependent on the State than the prison population in any country. There were no reports of arbitrary executions or enforced disappearances, which had shown that the violations in Cuba were of a particular category. This should not, however, be a justification for making violations that did occur acceptable. Recent elections for the National Assembly had enabled people to exercise their right to vote, even though they had taken place in a one-party system.

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Statements on Human Rights Violations

JOSE PEREZ NOVOA (Cuba) said Cuba respected all the principles established under the United Nations. On several occasions, it had reiterated its willingness to implement the Conventions. Referring to the Special Rapporteur's report, he said that he would not accept impositions based on a selective discrimination approach concerning his country. The report contained statements that did not reflect the reality; it was a political and ideological vendetta. The Rapporteur had included facts from sources based in Madrid or Miami, who were engaged in anti-Cuba activities. It also included information from groups and organizations financed by Cubans living outside the country. It was difficult to say that the Rapporteur was not selective, discriminatory and impartial.

The Cuban Constitution was solely for Cubans, it was not meant for international scrutiny, he said. The Constitution was approved and exercised by the Cubans. The report was also influenced by sources challenging Cuba, which suffered from United States repression. Last month, 7 million Cubans had voted not only for their Government, but for their revolution.

MOHAMMED A. AL-DOURI (Iraq) said it was important for Iraq to keep its independence and sovereignty and to rebuild after the destruction caused by the aggression against it. It was important to pay attention to the right to life, which was a basic human right. Food and medicine were Iraq's main obsession under the brutal blockade, to which the Special Rapporteur had failed to give sufficient attention. The Special Rapporteur was no longer necessary, especially as he merely repeated baseless accusations from his previous reports. He had received much of his information from Iraqi elements who had cut their links with the country and were being lavishly funded by the West. The people of the southern marshes were not indigenous people and Iraq was not bombing them or imposing a blockade on them or forcing them to emigrate. It also was fulfiling its commitments towards the Kurds in the north. Iraq appealed to the Commission to take the effect of the economic blockade into account. The proposal to assign permanent human rights monitors was an attempt to partition the country and remove large sections from the control of central authority.

U TIN KYAW HLAING, observer from Myanmar, said the new Constitution had to be acceptable to the population, which was made up of 135 national racial groups. Democracy could not work in the absence of law and order. Myanmar was going to achieve democrary in its own way. Could there be human rights where there was hunger, poverty, or anarchy? In Myanmar one did not have to deal with beggars or step over homeless people. The provisions contained in the Covenants were hollow if basic needs were not met. The report on the situation of human rights in Myanmar was flawed, unbalanced and lacked objectivity, totally ignoring the positive steps taken by the Government. One of the members who had accompanied the Special Rapporteur on his mission was involved in activities against Myanmanr and its people. The Special Rapporteur had referred to the 1982 Myanmar citizenship law as one which was aimed at creating statelessness. That law created three categories of citizens, it did not discriminate against Muslims. All citizens could vote.

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However, not all citizens could stand for election. The Rapporteur's claim that he had not been able to meet the political leaders was untrue; he had met with some of them.

HANNU HALINEN (Finland) said that in Iraq, the Government had continued its systematic violation of practically all basic rights of its population. Finland was deeply concerned and dismayed at the continuous and in many respects deteriorating human rights situation in Myanmar. In Cuba, there was no freedom of speech, no freedom of expression or association, no freedom of assembly and human rights defenders and activists were subjected to continuous harassment. The democratically elected President of Haiti ought to be restored to office. In Iran, there were many shortcomings of several basic rights, notably in the administration of justice, non-observance of the rules of due legal process and the extended use of death sentences. The abuses of the most basic rights and individual freedoms in the Sudan, the forced displacement of large groups of the population, reports of torture and summary executions and religious intolerance were all reasons to take firm action. There were also deteriorating human rights situations in Zaire, East Timor, China and Guatemala.

VLADIMIR SOTIROV (Bulgaria) said that no country was totally immune from human rights violations. There were, however, some which because of their magnitude, could hardly fit the contemporary level of development of human society. They could even create a serious threat to regional and global peace and security. The situation in the territory of the former Yugoslavia was ample evidence of how the human rights violations in a country could represent a threat to stability and peace in a given region. The international community had to express once again its firm determination that it would not yield to the policy of fait accompli and that the perpetrators of mass and flagrant violations of human rights should be brought to justice. Bulgaria was seriously concerned over the intensifying practice of harassment and pressure on minorities in all parts of the territory of the former Yugoslavia, in particular on the Bulgarian minority.

Bulgaria was also concerned that the Cyprus question, with its human rights aspects, still remained unresolved. The mission of good offices of the Secretary-General could play an important role in the efforts to reach a mutually acceptable agreement. The Middle East situation continued to be another problem of particular concern to the international community. Possibilities provided by the current international situation should be effectively used and every effort should be made to overcome the stereotypes accumulated over the years of confrontation among the parties involved in the conflict, as well as to avoid all steps that might aggravate the situation and pose a danger to the peace talks.

NICOLAS MACRIS (Cyprus) said Cyprus, to its misfortune, had become afflicted with what was referred to as a "Question", a "geopolitical disease", which was spreading in alarming proportions in the world, because the root causes of such "Questions" were rarely effectively addressed by the community of nations. In Cyprus, those violations were the direct result of the military invasion of a small and defenceless country by its big and mighty

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neighbour, Turkey, in 1974, with the seizure by force and occupation of 37 per cent of the country's territory. The Commission of Human Rights of the Council of Europe had found that Turkey's continuing occupation of Cyprus violated the European Convention and had resulted in missing persons, displacement of persons and separation of families, deprivation of possessions and discrimination against the Greek Cypriot community.

Now Turkey had a policy of gradual settlement of the occupied areas followed by settlers, mainly from mainland Turkey, with the objective of distorting the balance of the island's demography. As a result of the Turkish invasion and occupation, approximately 20,000 Greek Cypriots remained in their villages in the occupied part, in the wake of the invasion. Out of those 20,000, only a few hundred remained now as a result of a persistent policy of harassment, racial discrimination, intimidation and coercion carried out by the Turkish occupation army. There was also a deliberate policy of eradicating and destroying the 9,000-year-old history and culture of Cyprus. The Government of Cyprus remained committed to a bi-communal, federal solution of the Cyprus problem without the presence of foreign troops and settlers.

HERMAN PLORUTTI (Argentina) said the human rights situation in Cyprus should quickly find a just solution based on international law. The right of refugees to return to their homes and the clarification of cases of disappeared persons should be dealt with. All inhabitants of Cyprus had to fully accept that Cyprus was their only common home. The good offices mission of the Secretary-General should be the basis for reaching a negotiated settlement between the parties. The terms of Security Council resolution 789 (1992) also had to be taken into account.

C.V. GWAM (Nigeria) said it was time to restore all human rights to the people of Cyprus. It was time for a peaceful, just and lasting solution to the problem there, a solution based on all the United Nations resolutions on Cyprus. Refugees must be safely returned to their homes and all missing persons accounted for. Cypriots must have the right to move freely about in their country. The Commission's efforts should be intensified. If there was no change in the situation soon, it was time for the Security Council to give serious consideration to alternative courses of action.

N. JANARDHANA REDDY (India) said that India was the most populous democracy in the world. All its citizens were equal before the law. There were periodic elections throughout India. Democracy was back even in Punjab, which had been afflicted with terrorism No functioning democrary was perfect, however. The Government had recently made the decision to set up a Human Rights Commission which would be independent of the Government. India did not feel that it had the right to infringe on the sovereignty of other States in the name of human rights. International organizations had to monitor the implementation of human rights agreements by States.

A régime of human rights was not imposed from the outside on democracies. The role of the Commission was to encourage that trend. There was no room for unilateral definitions, instant solutions, threats or self-righteousness. Concern for human rights was universal and was not the

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domain of one single country or group of countries. The Commission had to pay more attention to obstacles and threats to the enjoyment of human rights. The Commission, its working groups and special rapporteurs were not paying enough attention to the problem of terrorism, which had emerged as one of the major threats to human rights. Terrorists were launching disinformation campaigns. The allegations of rape in Kashmir were inaccurate and deliberately false.

M.M.A. FAROUQUE (Sri Lanka) said that status quo in Cyprus was unacceptable. The consequences of on-going conflicts and the dangers inherent in the latent conflicts should convince everyone of the magnitude of human suffering and instabilities that flowed from the forcible partitioning of countries on the basis of ethnic or other considerations or as a result of armed violence and the use of force. The blueprint provided by the relevant resolutions of the Security Council and the General Assembly offered the best way forward in achieving an overall political and constitutional solution. Such an agreement, which would address the underlying causes of the problems faced by Cyprus, was of critical importance. He hoped that when the intercommunal dialogue between parties resumed in New York later this month, a constructive spirit would prevail.

Sri Lanka was encouraged by the cooperative and positive attitude displayed by Indonesia with respect to Indonesia, he said. While noting the positive steps taken during 1992, Sri Lanka encouraged the Governments of Indonesia and Portugal to continue their efforts in pursuing an acceptable solution through dialogue and confidence-building measures.

ZDENEK VENERA (Czech Republic) said the policy of the Czech Republic in the field of human rights would be very similar to the policy of the former Czech and Slovak Federal Republic which became a member of the group of democratic States in 1990. The Czech Republic had succeeded, as of 1 January, to all United Nations human rights instruments ratified earlier by the former State. According to the new Constitution, all international treaties ratified and promulgated in the Collection of Laws were directly binding for legal subjects and had priority before the law.

The Czech Republic attached great importance to the forthcoming World Conference on Human Rights and hoped that it would contribute to the process of constructing a new international order, he said. It did not share the view of some States that the questions related to the protection of human rights were to be considered as their exclusive internal affair. There were also countries that did not wish to cooperate fully with some mechanisms of the Commission. One of those countries was Cuba, which refused to permit the Special Rapporteur to visit the country in order to fulfil his mandate. The Czech Republic was concerned at continued violations of fundamental human rights and freedoms, as well as by the situation of human rights in Iraq, Myanmar, the Sudan, Somalia, Guatemala, Haiti, East Timor, Zaire, Afghanistan and in the territory of the former Yugoslavia.

HORACIO ARTEAGA (Venezuela) said questions involving human rights had become more complex. Obviously, human rights were a sensitive subject for Governments and no country could claim a monopoly on the truth. It was

necessary to be objective and considerate in looking into human rights situations in specific countries. In Venezuela, the protection of human rights was related closely to the protection of democracy. As in all countries, there had been problems in Venezuela. Dictatorships had been much worse for Latin American countries than any current problems they were experiencing under the new democracies. Legal, judicial and prison reforms were under way in Venezuela. A severe economic crisis was now a major threat to democracy and human rights there. In Haiti, the Commission must help end human rights abuses and restore President Aristide to power.

AMINE EL-KHAZEN, observer from Lebanon, said that Lebanon had turned a page and had re-established law and order. However, it still suffered from the foreign occupation of its southern territory by Israel. Israel's refusal to comply with Security Council resolutions proved that it had no respect for the United Nations. The citizens who lived under Israeli occupation in neighbouring countries suffered from its brutal repressive policy. Constant shelling by air raids and artillery of Lebanese territory, its villages and schools, wounded and killed the inhabitants. There were also arbitrary arrests and the detention of citizens in Israel. The Lebanese forces were hindered from carrying out their mission. The United Nations Interim Force in Lebanon (UNIFIL) mandate was also interfered with. Israel's latest aggression towards Lebanon was the strange decision to deport more than 400 Palestinian civilians. This was an arbitrary, collective punishment. Lebanon had refused to make contact with the deportees on its territory in order to force Israel to face its crime.

Rights of Reply

S.E.H. YOUSIF (Sudan) said the statement by Denmark on behalf of the European Economic Community countries yesterday afternoon had contained allegations regarding the human rights situation in the Sudan, which were politically motivated, largely based on reports from dubious sources, grossly biased, unbalanced, exaggerated and unjustified. This was not surprising because some members of this group were openly taking part in a well-orchestrated campaign against the Government of the Sudan. The statement was another demonstration of the political grudges and ill-feelings those countries were developing against the Sudan because of its Islamic orientation. The delegation of the United States was also targeting the Sudan for political reasons. The Sudan also dismissed as exaggerated and unfounded statement by Amnesty International. Amnesty International had turned down repeated invitations by the Government and other groups to visit the Sudan and verify its reports.

R. SCHIFTER (United States) said the nature of the response by the representative of Cuba gave a glimpse of the outlook of the leadership groups in power in Havana. Neither the Rapporteur nor the United States needed to be defended. Cuba was in a "time warp". The day was not distant when it would emerge from it free, independent and democratic.

PAK DOK HUN (Republic of Korea) said the statement by Denmark on behalf of the European Community had contained a baseless allegation against Korea.

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If the European Community had a shred of concern about human rights, it should show concern about the racism and xenophobia surfacing in its own region of the world. But there had not been one word about that. In Korea, human rights were fully protected by law.

ALFONSO MARTINEZ (Cuba) referring to statements by Finland and the Czech Republic, said both delegations had picked up comments from the Special Rapporteur. Their conclusions were the product of a lack of objectivity and selectivity. The unemployed workers in Finland would wonder whether the delegation of Finland should not focus on what was happening in their country. The results of a poll in Central European countries which was published in Geneva recently, showed that 68 per cent of the Czech population had found that the changes in their countries were unsatisfactory.

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United Nations

Press Release

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3 March 1993

HIGH COMMISSIONER FOR REFUGEES ADDRESSES HUMAN RIGHTS COMMISSION

Debate Continues on Human Rights Violations

GENEVA, 3 March (UN Information Service) -- The United Nations High Commissioner for Refugees, Sadako Ogata, addressed the Commission on Human Rights this morning, stating that the effect of human rights violations, ethnic and sectarian conflicts and civil wars were aggravated by drought, famine, environment decline and even total anarchy in many regions. She emphasized that safeguarding human rights was the best way to prevent conditions that forced people to become refugees.

In continued discussion of the question of violations of human rights in any part of the world, speakers stressed the need to promote respect for human rights and referred to violations of fundamental rights and freedoms in many regions. The absence of peace and stability in several countries had contributed to the violation of human rights, some speakers said. Others expressed concern over increased cases of disappearances and violations perpetrated by armed personnel and paramilitary squads.

The representatives of the United States, Chile, Austria, Barbados, Japan, Sri Lanka and India participated in the debate. The Union of Arab Lawyers also spoke this morning.

The representatives of Turkey, China, Iraq and Cuba exercised the right of reply.

Statement by High Commissioner for Refugees

SADAKO OGATA, United Nations High Commissioner for Refugees (UNHCR), said that last year, while more than one and one-half million refugees returned home, another three million were forced to flee their countries, and millions more fled within their own countries as a result of conflict and persecution. The effects of human rights violations, ethnic and sectarian conflicts and civil wars were aggravated by drought, famine, environmental decline and even total anarchy in many regions. Political instability, economic disruption, population growth and a widening gap between rich and poor countries and

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between the rich and poor within many countries created pressures and unleashed hatreds that resulted in both human rights violations and the flight of refugees.

Safeguarding human rights was the best way to prevent conditions that forced people to become refugees, she said. Respect for human rights was a key element in the protection of refugees in their country of asylum, and improved observance of human rights standards was often critical for the solution of refugee problems by enabling refugees to return safely home. It was in the areas of prevention and solutions -- and thus primarily in the work with countries of origin of refugees and potential refugees -- that there was the most critical need for cooperation between the UNHCR, the Commission on Human Rights, the Centre for Human Rights and other human rights organizations.

In recent years, she said, one lesson that had emerged very clearly was the need for earlier and more effective action by the international community to forestall potential refugee-generating situations before flight became the only alternative. In the former Yugoslavia, the Caucasus, the Horn of Africa and in Central Asia, despite very different circumstances, a similar pattern was repeated: simmering tensions caused by unresolved political, ethnic, religious or nationality disputes led to human rights abuses which became increasingly violent and finally erupted into armed conflicts that forced people to flee their homes. Early warning of human rights problems was a necessary first step in prevention.

The UNCHR was willing to extend its humanitarian expertise to internally displaced persons in appropriate cases, she said, but the magnitude of the problem of the displaced far exceeded its resources. Frequently, the internally displaced could not obtain effective protection from their own Governments, either because they had lost control of parts of their territories or because Governments perceived them as threats. There were, unfortunately, too many instances where human rights were being deliberately violated with the aim of expelling whole groups of people from their homes and from their countries. The former Yugoslavia provided a particularly graphic and painful example.

Other Statements

RICHARD SCHIFTER (United States) said the Commission had to recognize the sad fact that intergroup conflicts had in many parts of the world deprived millions of people of their fundamental rights. There were Governments which exacerbated the problem by inciting the dominant ethnic group against persons of other ethnicity who lived in the same country. Did the mother in Sarajevo whose son had been killed in intergroup violence grieve any less than the mother in Kigali? he asked. It was time to put aside the artificial arguments which had been advanced in this post-cold war period about north versus south, about Christian culture against non-Christian culture and agree on the simple fact that all were members of the human race, that there were human rights goals that all wished to attain, and that all should unite to reach those goals. There were also those who contended that economic development had to precede political development. The evidence was to the contrary. There were

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many situations in which outsiders, particularly outsiders coming under the United Nations flag, might be better able to act as mediators than persons who came from the country beset with intergroup rivalry.

The special rapporteurs on Burma, Cuba, Iran and Iraq had described systems which differed from each other in detail but which had a common result, that of creating an all-pervasive climate of fear, he said. It was also necessary to call attention to the situation in Sudan and China.

ROBERTO GARRETON (Chile) said that during 1992, 42,000 complaints had been received and only a few were dealt with under the confidential procedure. Given the dramatic situation which had prevailed in Latin America, great progress had been made towards the protection of human rights in the world. In Chile, working groups were examining cases of disappearances. The establishment of new mechanisms for protection and other procedures were needed in promoting respect for human rights. In the past, Chile had been involved in human rights violations and today it was the turn of Yugoslavia. In all cases, the application of a universal procedure of protection of human rights was needed.

FELIX ERMACORA (Austria) said that so far, the Commission had taken concrete measures with respect to individual States in more than 60 cases. Austria regretted any explicit or implicit lack of cooperation by Governments with special rapporteurs or working groups, in particular if they had not been allowed to visit the countries in question. The variety of ways of monitoring a country situation could create uncertainties with respect to the evaluation of those situations. There was a positive need to concentrate and streamline existing procedures in order to avoid overlapping and duplication. The Commission could request the Subcommission or the Secretary-General to conduct a study to strengthen and to streamline the procedure or even to abolish it, if it became clear that it had lost its effectiveness, thus alleviating the bureaucratic burden it entailed. The Commission should resume consideration of the establishment of an emergency mechanism at its next session, in light of the recommendations of the World Conference on human rights.

R. ORLANDO MARVILLE (Barbados) said nobody could claim to have come from countries whose recent histories were totally spotless in terms of human rights records. Some infringements might have been minor and later corrected, some hid behind whatever pretext was necessary, others failed to recognize their historical responsibilities, and yet others brutalized segments of their own populations as if there were no recognition of humanity and human values. Barbados recognized the basic human rights to shelter, food, health and education, as well as civic and political rights. It allocated more than 60 per cent of its national budget to health, education and the direct welfare of its citizenry and it spent less than 4 per cent of its budget on the national defence force.

Armies and other paramilitary groups were prime violators of human rights, he said. Some Governments had shown little regard even for the current procedure and should be subjected to more public procedures; a middle range had shown insufficient improvements to merit praise; and some

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Governments had made notable efforts but abuses by paramilitary groups persisted, even in diminished numbers. There were serious human rights problems in Haiti, Myanmar, South Africa, Togo, Zaire, Colombia, Guatemala and El Salvador.

SHUNJI MARUYAMA (Japan) said he did not accept the claim that dealing with the human rights situation in any country amounted to interference in its internal affairs. At the same time, the discussions on the human rights situations in individual countries should not be used for political purposes. Japan had reconfirmed, by a Cabinet decision last June, that one of the principles of its official development assistance was to pay full attention to the efforts made by the recipient countries for democratization and the securing of basic human rights and freedoms. Japan was concerned about the actual situation of resources of the Centre for Human rights, especially the unstable terms of employment of the rapporteurs' supporting staff. That could pose obstacles to the effective discharge of the mandates of special rapporteurs. Another obstacle was the time gap between the creation of Special Rapporteurs at the Commission and the formal approval of their mandates at the Economic and Social Council.

The report (document E/CN.4/1993/38) of many cases of governmental acts of intimidation or reprisals against those who cooperated with the representatives of United Nations human rights bodies, was distressing, he said. Japan was concerned by the human rights situations in Afghanistan, Haiti, Iraq, Myanmar and Cyprus. It applauded progress in East Timor, Iran and Sri Lanka, but noted that more needed to be done. It called on Cuba to cooperate with the special rapporteur.

TILAK MARAPANA (Sri Lanka) said his Government had accepted most of the recommendations made by the working group. Some of them, however, remained to be fully implemented. The prosecution of those found responsible for disappearances had begun, and a number of court actions against police officers and security personnel in respect of human rights violations were also awaiting conclusion. In addition to seeking the cooperation of the Commission through the Working Group on Disappearances, the Government had, on its own initiative, taken several measures to address human rights concerns. The Human Rights Task Force had compiled a register of detainees, ensured the care and welfare of those detained, and assisted in tracing persons alleged to be missing.

A positive indicator of an early restoration of normalcy in the north had been the continuing return on a voluntary basis of nearly 30,000 Tamil civilians who had crossed over to south India at the outbreak of hostilities in 1990, he continued. Their return had been coordinatd by the UNHCR, with whom the Government had recently entered into a Memorandum of Understanding. The major issue which had engaged the attention of Government and all democratic political parties over the past years was that of a negotiated political solution leading to a durable peace in the north and east of Sri Lanka. The Government had repeatedly declared its policy of working towards a

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political solution which would satisfy the legitimate aspirations of the ethnic minority, who comprised 12.5 per cent of the population, rather than to impose a military option.

N. JANARDHANA REDDY (India) said the situation regarding implementation of previous resolutions of the Commission pertaining to refugees and displaced persons, tracing of missing persons and in respect of changes in the demographic structure of Cyprus, remained essentially unchanged. The human suffering caused by the partition of the country was tragic. India welcomed the efforts towards finding a just and viable solution to the Cyprus problem in accordance with the provisions of the Charter and the rules of international law, which would provide for the restitution of, and full respect for, the human rights and fundamental freedoms of all Cypriots. India sincerely hoped that the statesmanship and goodwill that had made possible the intercommunal dialogue in the first place would contribute to all future discussions. His Government supported the efforts of the Secretary-General to find a just and viable solution to the Cyprus question, in line with his Security Council mandate.

FAROUK ABU EISSA, of the Arab Lawyers Union, said that despite the upsurge of human rights violations in many Arab and African countries, growing awareness of the human rights movement was emerging in many countries of the region as well. The West still practised a double standard. Some Governments hid behind pious words on human rights and continued to violate them. The 400 Palestinian exiles should be returned to their homes in the occupied territories. Israelis and Serbs still committed severe human rights abuses. The blockade of Iraq imposed by the West caused too much suffering and should be lifted. Religious fanaticism should be stopped -- Arabs suffered at the hands of fanatic groups. That was a severe problem in the Sudan. A special rapporteur should investigate the situation there and weapons shipments to the country should be banned.

Right of Reply

BILGE CANKOREL (Turkey), referring to earlier statements by Denmark on behalf of the European Community, and statements made by a number of non-governmental organizations, said that it was a distortion to claim that human rights violations had risen in Turkey over the last year. On the contrary, Turkey had intensified its struggle against internally supported terrorist attacks on the fundamental human rights of the Turkish people. Turkey did not pretend to be totally free from human rights violations, as no country was. The authorities had been deploying vigorous efforts in fighting any human rights violations, especially by the terrorist groups.

ZHANG YISHAN (China) said that the United States had attacked his country, but the United States was famous for its human rights violations. If the United States courts were so impartial and fair, what about the trial in which white police officers were aquitted after the Los Angeles riots? he asked. If a white man had been beaten by black officers, the verdict undoubtedly would have been different. The United States was selling sham goods, although it claimed high moral authority and tried to impose its

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standards on others. It was trying to return the world to colonialism. The United States allegation against China was baseless; it was politicizing human rights and using a double standard.

M.A. AL-DOURI (Iraq), responding to a statement by the United States, said that there was no food blockade in the north of Iraq. European and other organizations had a role in the crisis. The fact was that the Government had the responsibility of protecting its citizens. The charges of rapes of women, referred to by the United States, were totally untrue. Such cases did not exist.

JUANA SILVERA NUNEZ (Cuba) said the United States had made comments that violated the human rights of the people of Cuba and also showed a double standard. The United States had a policy of harassment and aggression against Cuba, fostering subversion in her country. It also treated Haitian refugees badly, and those refugees ended up in Cuba. Why did the United States not convene an international meeting in Harlem to focus on the human rights of its black citizens? she asked. As for what Japan had said, that country was a main ally of the United States in the appointment of the special rapporteur. Japan itself did not have a clean record in human rights.

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